

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1602 Session of
2008

INTRODUCED BY ORIE AND COSTA, OCTOBER 8, 2008

REFERRED TO JUDICIARY, OCTOBER 8, 2008

AN ACT

1 Amending the act of July 28, 1953 (P.L.723, No.230), entitled,
2 as amended, "An act relating to counties of the second class
3 and second class A; amending, revising, consolidating and
4 changing the laws relating thereto," providing for an inmate
5 medical services program, for deposits and for recovery of
6 costs.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Article XXIII of the act of July 28, 1953
10 (P.L.723, No.230), known as the Second Class County Code, is
11 amended by adding a subarticle to read:

12 (e) Inmate Medical Services Program

13 Section 2370. Definitions.

14 The following words and phrases when used in this subarticle
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

17 "Bureau." The Bureau of Corrections of a county of the
18 second class.

19 "Program." A second class county inmate medical services

1 program established under section 2371.

2 Section 2371. Inmate medical services program.

3 (a) Establishment.--A bureau may establish a second class
4 county inmate medical services program that requires inmates to
5 pay a fee or co-pay for certain medical services and that is
6 consistent with the Commonwealth's medical services program.

7 (b) Fees.--

8 (1) A program under this subarticle shall provide for
9 consistent medical services guidelines by specifying the
10 following:

11 (i) The medical services that are subject to fees,
12 the fee amounts and payment procedures.

13 (ii) Medical services that are not subject to fees.

14 (ii) Fees applicable to medical emergencies, chronic
15 care and preexisting conditions.

16 (2) In addition to other medical services provided to an
17 inmate, an inmate may be required to pay a fee for medical
18 services provided because of injuries the inmate inflicted
19 upon himself or another inmate.

20 (c) Notice to inmates.--The bureau shall provide notice
21 regarding a program as follows:

22 (1) Written notice shall be provided to all current
23 inmates regarding implementation of the program.

24 (2) Each inmate shall be advised of the medical services
25 fees and payment procedures at the time of intake. An
26 explanation of the program regulations shall be included in
27 the inmate handbook.

28 (3) Each inmate shall receive written notice of any
29 changes in medical services fees and payment procedures.

30 (d) Access to medical services.--

1 (1) No inmate shall be denied access to medical services
2 because of an inability to pay the required fees.

3 (2) Each inmate shall provide the bureau with
4 information the existence of any health insurance or medical
5 coverage, or the inmate's eligibility for Medical Assistance.

6 (3) Medical services fees and co-pays shall not be
7 charged for an initial intake or examination, nor other
8 services initiated solely at the direction of staff of the
9 correctional institution.

10 (e) Fee debits.--An inmate shall be provided written
11 acknowledgment of any debit made to his inmate account for a
12 medical services fee.

13 Section 2372. Recovery of costs.

14 (a) Right-to-recovery.--The bureau may seek to recover any
15 amount owed for medical services fees by an inmate upon release
16 from prison through a civil action brought within one year of
17 the inmate's release. The bureau shall have the burden to prove
18 the amount owed.

19 (b) Defense.--Inability to pay as determined by the court
20 shall be a defense to the payment of part of all of the fees.

21 Section 2373. Payment to health care facilities and
22 practitioners.

23 The liability of a county that establishes a program for
24 payment to any health care facility or practitioner that
25 participates in the medical assistance program established under
26 the act of June 13, 1967 (P.L.31, No.21), known as the Public
27 Welfare Code, shall not exceed the lesser of:

28 (1) the actual amount of the bill from the health care
29 facility or practitioner; or

30 (2) 110% of the medical assistance rate for the service,

1 plus any co-pay collected.

2 Section 2374. Deposits.

3 Medical services fees collected shall be deposited in the
4 General Fund. The bureau shall provide an annual audit of the
5 program to the county executive.

6 Section 2. The addition of Article XXIII(e) of the act shall
7 not apply to any contract to provide inmate health care services
8 in effect on or before the effective date of this act.

9 Section 3. This act shall take effect in 60 days.