

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1753 Session of
2021

INTRODUCED BY A. BROWN, D. MILLER, BROOKS, PARKER, SCHLOSSBERG,
HARRIS, SANCHEZ, N. NELSON, RABB, KRAJEWSKI, McCLINTON AND
SIMS, SEPTEMBER 15, 2021

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 15, 2021

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in medical services, repealing
3 provisions relating to the Medical Services Program and
4 providing for copays and fees prohibited; and abrogating
5 regulations.

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

8 Section 1. Sections 3301, 3302, 3303, 3304, 3305, 3306 and
9 3307 of Title 61 of the Pennsylvania Consolidated Statutes are
10 repealed:

11 [§ 3301. Short title of chapter.

12 This chapter shall be known and may be cited as the
13 Correctional Institution Medical Services Act.

14 § 3302. Definitions.

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

18 "Program." The Medical Services Program established for
19 inmates under section 3303 (relating to Medical Services

1 Program).

2 § 3303. Medical Services Program.

3 (a) Establishment.--The Medical Services Program is
4 established in the department which shall include, but not be
5 limited to, the provisions of this chapter. The program shall be
6 a copay program requiring inmates to pay a fee to cover a
7 portion of the actual costs of the medical services provided.

8 (b) Fees.--

9 (1) The department shall develop by regulation a program
10 for inmates which includes fees for certain medical services.
11 The regulations shall provide for consistent medical services
12 guidelines by specifying the medical services which are
13 subject to fees, the fee amounts, payment procedures, medical
14 services which are not subject to fees and fees applicable to
15 medical emergencies, chronic care and preexisting conditions.

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

20 (c) Explanation of program.--Each inmate shall be advised of
21 the medical services fees and payment procedures at the time of
22 intake. An explanation of the program regulations shall be
23 included in the inmate handbook.

24 (d) Written notice of changes.--Each inmate shall receive
25 written notice of any changes in medical services fees and
26 payment procedures and an initial written notice of the
27 program's implementation.

28 (e) Payment for medical services.--

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

1 (2) The department shall devise and implement a program
2 whereby inmates of State correctional institutions who have
3 medical insurance shall pay for their own medical needs
4 through that insurance. This program shall be contained in
5 regulations promulgated by the department.

6 (f) Fee debits.--An inmate shall acknowledge in writing any
7 debit made to his inmate account for a medical services fee.

8 (g) Deposits.--Medical services fees collected under this
9 chapter shall be deposited in the General Fund.

10 § 3304. Powers and duties of department.

11 The department shall implement the program by:

12 (1) Issuing regulations as required under section 3303
13 (relating to Medical Services Program).

14 (2) Providing department staff and medical services
15 providers with training relating to the program.

16 (3) Developing administrative forms for the
17 implementation of the program.

18 (4) Providing for administrative and accounting
19 procedures for the program and an annual audit of the
20 program.

21 (5) Providing written notice to all current inmates
22 regarding implementation of the program.

23 § 3305. Costs outstanding upon release.

24 (a) Right to seek recovery of costs.--The department may
25 seek to recover any amount owed for medical services fees by an
26 inmate upon release from prison through a civil action brought
27 within one year of the inmate's release. The department shall
28 have the burden to prove the amount owed.

29 (b) Defense.--An inmate's inability to pay as determined by
30 the court shall be a defense to the payment of part or all of

1 the fees.

2 § 3306. Report to General Assembly.

3 The department shall submit to the chairmen and minority
4 chairmen of the Appropriations Committee and the Judiciary
5 Committee of the Senate and the chairmen and minority chairmen
6 of the Appropriations Committee and the Judiciary Committee of
7 the House of Representatives an annual report on the program.

8 The report shall provide information on the fees charged and the
9 fees collected under the program and shall include a summary of
10 the annual audit of the program as required under section 3304
11 (relating to powers and duties of department). The report may
12 recommend legislative changes for the program and propose model
13 legislation for counties which may wish to develop similar
14 programs.

15 § 3307. Applicability.

16 The department shall collect fees for medical services
17 provided to an inmate after the effective date of the program
18 regulations as published in the Pennsylvania Bulletin.]

19 Section 2. Title 61 is amended by adding a section to read:

20 § 3308. Copays and fees prohibited.

21 (a) Prohibition.--The department may not require an inmate
22 to pay a copay or any other fee for medical services provided to
23 the inmate.

24 (b) Construction.--Nothing in this section shall be
25 construed to relieve the department of its duties to provide
26 medical services to inmates.

27 Section 3. The provisions of 37 Pa. Code § 93.12 (relating
28 to prison medical services program) and all other regulations or
29 parts of regulations are abrogated insofar as they are
30 inconsistent with this act.

1 Section 4. This act shall take effect in 60 days.