

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1296 Session of 2022

INTRODUCED BY BARTOLOTTA, COLLETT, KANE, STREET, FONTANA,  
CAPPELLETTI, KEARNEY, HUGHES, SCHWANK AND HAYWOOD,  
JUNE 27, 2022

REFERRED TO JUDICIARY, JUNE 27, 2022

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10 repealed: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 and all  
28 other regulations or parts of regulations are abrogated insofar  
29 as they are inconsistent with this act.

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