



*Synopsis of Senate Committee Amendments**

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Legislative Service Commission

Sub. H.B. 170

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(S. Judiciary on Criminal Justice)

Offenders in DRC's custody -- health care insurance mechanism

Replaced the provisions of the House-passed version of the bill regarding a mechanism that Department of Rehabilitation and Correction (DRC) could use to obtain payment from an offender's health insurance for health care services provided to the offender with provisions that: (1) require DRC to make a determination, for each offender in its custody or under its supervision, as to whether the offender is covered under an individual or group sickness and accident insurance policy or an individual or group health insuring corporation policy, contract, or agreement and, if the offender has that coverage, require DRC to familiarize itself with the terms and conditions to receive benefits under the policy, contract, or agreement, (2) permit DRC or the provider of health care services to an offender with coverage to submit a claim for payment to the appropriate third-party payer whenever DRC renders or arranges for the rendering or health care services to the offender, (3) specify that if the policy holder is the offender, the offender must assign payment of benefits directly to the provider or DRC, if the policy holder is not the offender, the policy holder must be asked to voluntarily provide policy information and assign payments directly to the provider or DRC, and the policy holder and third-party payer must make arrangements to ensure that payment of any amount due is made to the provider or DRC as specified in the assignment, (4) require any payment made to DRC to be deposited into the existing Offender Financial Responsibility Fund, (5) provide for refunds to DRC of duplicate payments for health care services rendered to an offender, (6) specify that, if an offender has health care coverage, DRC must determine, after considering security, public safety, and transportation issues, whether to render or arrange for health care services in accordance with the coverage, and permits DRC, based on those concerns, to arrange for services for the offender at a health care facility or by a provider not covered under the coverage and pay the costs of the services, (7) provide that, if DRC pays for health care services for an offender, it may seek reimbursement from a third-party payer for the services if it subsequently is determined that the offender had health care coverage, and (8) provide

* This synopsis does not address amendments that may have been adopted on the Senate floor.

that, if DRC determines that an offender has or potentially has health care coverage and the offender receives health care services, DRC is responsible for any cost-sharing, co-payments, or deductibles under the coverage, DRC remains liable for payment to the provider of services if the insurer or potential insurer denies the claim for payment, and if an insurer covers a service but pays less than the amount under the contract, DRC is liable for reimbursing the difference to the provider.

Reimbursement of costs of an offender's confinement in a local detention facility, ordered by court as part of sentence

Added provisions that: (1) permit a court imposing sentence upon an offender for a felony, in all circumstances, to impose a financial sanction of reimbursement by the offender of all or part of the costs of confinement under a prison term or community residential sanction imposed on the offender, not exceeding the total amount of reimbursement the offender is able to pay and the actual cost of the confinement; and (2) specifically permit a court imposing sentence on an offender for a misdemeanor to sentence the offender to a sanction that requires the offender to reimburse the government for all or part of the costs of confinement in a local detention facility, not exceeding the total amount of reimbursement the offender is able to pay and the actual cost of the confinement, and provides procedures for determining the amount of the reimbursement and for collecting the amount to be reimbursed.

Reimbursement of costs of an offender's confinement in a local detention facility, in other circumstances

Consolidated a number of parallel existing provisions regarding reimbursement of the costs of confinement by a person confined in a local detention facility, when the reimbursement is required pursuant to a specified "standard procedure" by the governmental entity that operates the facility, pursuant to a "policy" used "in lieu of" the standard procedure, or pursuant to a medical fee reimbursement mechanism.

Modified the list of costs that may be required to be repaid under a repayment policy under the "standard procedure," including adding a specific reference to the costs of repairing property damaged by the prisoner while confined and removing a reference to overtime costs law enforcement personnel incurred relative to the prisoner's trial.

Modified the "standard procedure" to: (1) provide that each prisoner covered by a repayment policy under it must receive at the end of the confinement an itemized bill of the expenses to be reimbursed, (2) provide methods of payment of the bill and specify time periods within which the prisoner must pay or dispute the bill, (3) provide procedures including a hearing for determining a dispute regarding the bill, (4) provide procedures for the collection of a bill that is not paid and not disputed within specified time periods that include the issuance by a clerk of court of a certificate of judgment against the prisoner for the balance of the unpaid expenses, and (5) require that the offender's sentence include provisions describing the collection procedures.



Repealed the existing provisions regarding a repayment "policy" used "in lieu of" the standard procedure.

Added provisions that generally permit the costs of confinement recovered pursuant to a repayment policy under the "standard procedure" or pursuant to the medical fee reimbursement mechanism to include a one-time reception fee for the costs of processing the prisoner into the local detention facility at the time of the prisoner's initial entry into the facility under the confinement in question.

Daily fine credit given to an offender jailed for failure to pay a fine

Increased from \$30 to \$50 the daily fine credit given to an offender committed to a jail or workhouse or otherwise held in custody in satisfaction of a fine imposed upon the offender under a sentence for a criminal offense.

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