

Second Regular Session  
Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
10.2.17

BILL 9

LLS NO. 18-0251.01 Kristen Forrestal x4217

INTERIM COMMITTEE BILL

County Courthouse and County Jail Funding and Overcrowding Solutions  
Interim Study Committee

**BILL TOPIC:** "Health Care Cost Reimbursement For County Jails"

**A BILL FOR AN ACT**

101 CONCERNING HEALTH CARE COST REIMBURSEMENT FOR COUNTY  
102 JAILS.

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**County Courthouse and County Jail Funding and Overcrowding Solutions Interim Study Committee.** The bill requires the department of health care policy and financing (state department) to implement a program that allows county jails to apply for reimbursement for uncovered medical costs of uninsured inmates. The bill creates the county jails health care costs reimbursement fund for the purpose of implementing the program. The bill allows the state department to

*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

promulgate rules to implement the program.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds that:

4           (a) The majority of people who enter a county jail do not have  
5 health insurance, and the majority of the jail-involved population has  
6 income low enough to qualify for participation in the state's medical  
7 assistance program, commonly referred to as the medicaid program;

8           (b) An individual who is detained in a county jail is generally  
9 prohibited from receiving medicaid benefits under the medicaid program  
10 if the individual has not been convicted, unless the individual becomes a  
11 patient in a medical institution for at least twenty-four hours;

12           (c) Jail inmates suffer from chronic health conditions and  
13 experience behavioral health issues and substance use disorders at higher  
14 rates than the general population;

15           (d) The burden that high medical costs places on county jails is of  
16 statewide concern, and the care and treatment of individuals with  
17 substance use disorders and behavioral health issues must be addressed  
18 with statewide solutions; and

19           (e) Utilizing a coordinated approach will allow for more  
20 cost-effective and beneficial treatment of individuals in the county jail  
21 system.

22           (2) Therefore, it is the intent of the general assembly to provide  
23 financial relief to county jails that experience high medical costs for  
24 inmates in their custody who have not been convicted and are not covered  
25 under private insurance or the medicaid program.

1           **SECTION 2.** In Colorado Revised Statutes, **add 25.5-1-207** as  
2 follows:

3           **25.5-1-207. Reimbursement program for county jails - fund -**

4 **rules.** (1) THE STATE DEPARTMENT SHALL CONTRACT WITH A  
5 FACILITATOR OR OUTSIDE EXPERT TO DEVELOP A PROGRAM THAT  
6 PROVIDES REIMBURSEMENT TO A COUNTY JAIL FOR THE HEALTH CARE  
7 COSTS IT INCURS FOR AN INMATE WHO:

8           (a) HAS NOT BEEN CONVICTED;

9           (b) IS NOT ELIGIBLE TO PARTICIPATE IN THE MEDICAL ASSISTANCE  
10 PROGRAM AUTHORIZED UNDER PARTS 4 TO 6 OF THIS TITLE 25.5; AND

11           (c) DOES NOT HAVE PRIVATE HEALTH INSURANCE COVERAGE OR  
12 ANY OTHER CREDIBLE CREDITABLE COVERAGE, AS DEFINED IN 42 U.S.C.  
13 SEC. 300gg-3(c).

14           (2) THE PROGRAM MUST ALLOW A COUNTY JAIL TO APPLY TO THE  
15 STATE DEPARTMENT FOR REIMBURSEMENT FOR THE COSTS OF HEALTH  
16 CARE PROVIDED TO AN INMATE IN THE COUNTY JAIL.

17           (3) THE COUNTY JAILS HEALTH CARE COST REIMBURSEMENT FUND  
18 IS CREATED IN THE STATE TREASURY FOR THE PURPOSES OF THIS SECTION.  
19 THE FUND CONSISTS OF MONEY TRANSFERRED ANNUALLY FROM THE  
20 GENERAL FUND, ANY OTHER MONEY THAT THE GENERAL ASSEMBLY MAY  
21 TRANSFER OR APPROPRIATE TO THE FUND, AND INTEREST AND INCOME  
22 EARNED. MONEY REMAINING IN THE FUND AT THE END OF ANY FISCAL  
23 YEAR REMAINS IN THE FUND AND SHALL NOT BE TRANSFERRED TO THE  
24 GENERAL FUND OR ANY OTHER FUND .

25           (4) THE STATE DEPARTMENT MAY PROMULGATE RULES TO  
26 IMPLEMENT THIS SECTION THAT MUST INCLUDE APPLICATION AND  
27 REIMBURSEMENT PROCEDURES FOR THE COST OF HEALTH CARE TO COUNTY

1 JAIL INMATES.

2 **SECTION 3. Effective date.** This act takes effect July 1, 2018.

3 **SECTION 4. Safety clause.** The general assembly hereby finds,  
4 determines, and declares that this act is necessary for the immediate  
5 preservation of the public peace, health, and safety.