

## CHAPTER 74

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**CORRECTIONS**

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**HOUSE BILL 98-1103**

BY REPRESENTATIVE Clarke;  
also SENATORS Bishop, Linkhart, Reeves, and Dennis.

**AN ACT**

CONCERNING PAYMENT FOR MEDICALLY-RELATED SERVICES TO INMATES IN THE DEPARTMENT OF  
CORRECTIONS.

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

**SECTION 1.** 17-1-113, Colorado Revised Statutes, is amended to read:

**17-1-113. Medical visits - charge to inmates - legislative declaration.**

(1) (a) ~~The department shall charge three dollars against an inmate's account for each visit by such inmate to an institutional or noninstitutional physician, dentist, or optometrist; except that such charge shall not be assessed for any visit required by the department during the intake process, an annual physical examination, any visit initiated by a medical or mental health staff member, any visit to a physician, dentist, or optometrist resulting from a referral by a nurse or physician assistant, any emergency treatment, or a follow-up visit initiated by a medical professional. No inmate shall be allowed to expend moneys from or incur charges against his account for his personal use until such medical charge has been deducted from his account.~~ THE GENERAL ASSEMBLY HEREBY FINDS THAT THE SYSTEM OF CHARGING INMATES A THREE-DOLLAR COPAYMENT FOR CERTAIN MEDICAL SERVICES, BUT NOT FOR OTHER SERVICES, IS CONFUSING TO DEPARTMENT PERSONNEL AND, AS A RESULT, IS INCONSISTENTLY APPLIED. FURTHERMORE, THE GENERAL ASSEMBLY HAS DETERMINED THAT SUCH A SYSTEM DOES NOT EFFECTIVELY DISCOURAGE INMATES FROM SEEKING UNNECESSARY MEDICAL SERVICES. THE GENERAL ASSEMBLY ALSO FINDS THAT THE LACK OF UNIFORM AND DETAILED DEPARTMENT MEDICAL RECORDS RENDERS A CONSTRUCTIVE ANALYSIS OF THE COPAYMENTS ASSESSED AGAINST INMATES AT THOSE FACILITIES VIRTUALLY IMPOSSIBLE.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

(b) THE GENERAL ASSEMBLY THEREFORE FINDS AND DETERMINES THAT THE DEPARTMENT SHOULD ESTABLISH CONSISTENT COPAYMENTS FOR ALL MEDICAL, DENTAL, AND OPTOMETRIC SERVICES RENDERED TO OR ON BEHALF OF INMATES AND SHOULD REQUIRE THE FACILITIES RENDERING SUCH SERVICES TO FOLLOW SPECIFIED PROCEDURES, INCLUDING THE MAINTENANCE OF DETAILED RECORDS REGARDING THE ASSESSMENT OF COPAYMENTS.

(2) THE DEPARTMENT SHALL ASSESS CONSISTENT COPAYMENTS, IN AMOUNTS TO BE DETERMINED BY RULE OF THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION, AGAINST AN INMATE'S ACCOUNT FOR EVERY MEDICAL SERVICE PROVIDED TO SUCH INMATE BY A PHYSICIAN, PHYSICIAN'S ASSISTANT, NURSE PRACTITIONER, REGISTERED NURSE, OR LICENSED PRACTICAL NURSE, WHETHER SUCH MEDICAL PROFESSIONAL IS INSTITUTIONAL OR NONINSTITUTIONAL. THE DEPARTMENT SHALL ASSESS CONSISTENT COPAYMENTS, IN AMOUNTS TO BE DETERMINED BY RULE OF THE EXECUTIVE DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION, AGAINST AN INMATE'S ACCOUNT FOR EVERY VISIT BY SUCH INMATE TO A DENTIST OR OPTOMETRIST. THE AMOUNT OF THE COPAYMENT FOR THE DENTAL OR OPTOMETRIC SERVICES NEED NOT BE THE SAME AS THE COPAYMENT FOR MEDICAL SERVICES.

(3) THE DEPARTMENT SHALL COMMUNICATE THE NEW MANDATORY COPAYMENT POLICY TO EVERY CORRECTIONAL FACILITY THAT PROVIDES MEDICAL, DENTAL, AND OPTOMETRIC SERVICES TO OR ON BEHALF OF INMATES TO ENSURE THAT ALL DEPARTMENT PERSONNEL CONSISTENTLY AND REGULARLY ASSESS THE REQUIRED COPAYMENT FOR MEDICAL, DENTAL, AND OPTOMETRIC SERVICES.

(4) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES RELATED TO MEDICAL, DENTAL, AND OPTOMETRIC SERVICE COPAYMENTS, WHICH RULES SHALL ADDRESS, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(a) THE AMOUNT OF THE CONSISTENT COPAYMENT TO BE ASSESSED AGAINST AN INMATE'S ACCOUNT FOR MEDICAL SERVICES, INCLUDING BUT NOT LIMITED TO MENTAL HEALTH SERVICES, WHICH COPAYMENT SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH ANY TYPE OF MEDICAL SERVICE THAT MAY BE RENDERED;

(b) THE AMOUNT OF THE CONSISTENT COPAYMENT TO BE CHARGED AGAINST AN INMATE'S ACCOUNT FOR DENTAL AND OPTOMETRIC SERVICES, WHICH COPAYMENT SHALL NOT EXCEED THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH ANY DENTAL OR OPTOMETRIC SERVICE THAT MAY BE RENDERED;

(c) THE DETAILED PROCEDURES THAT DEPARTMENT PERSONNEL ARE TO FOLLOW IN ASSESSING SUCH COPAYMENTS;

(d) THE SPECIFIC AND EXCLUSIVE BASES UPON WHICH A COPAYMENT MAY BE WAIVED BY DEPARTMENT PERSONNEL;

(e) THE INFORMATION TO BE OBTAINED BY DEPARTMENT PERSONNEL AT THE TIME OF THE INMATE'S MEDICAL, DENTAL, OR OPTOMETRIC VISIT ON A STANDARDIZED DEPARTMENT FORM, INCLUDING THE INMATE'S NAME, THE INMATE'S IDENTIFICATION NUMBER, THE AMOUNT OF THE COPAYMENT ASSESSED, THE REASON FOR THE VISIT, THE TYPE OF SERVICE RENDERED, AND THE BASIS, FOR ANY WAIVER OF THE

COPAYMENT; AND

(f) DISCIPLINARY ACTION TO BE TAKEN AGAINST DEPARTMENT PERSONNEL WHO FAIL TO ASSESS THE COPAYMENT.

(5) THE DEPARTMENT SHALL MONITOR THE INFORMATION COLLECTED PURSUANT TO PARAGRAPH (e) OF SUBSECTION (4) OF THIS SECTION TO ENSURE THAT THE COPAYMENTS ARE BEING ASSESSED CONSISTENTLY TO ALL INMATES.

(6) THE DEPARTMENT SHALL REPORT TO THE LEGISLATIVE AUDIT COMMITTEE ON OR BEFORE SEPTEMBER 1, 1999, CONCERNING THE VOLUME OF MEDICAL, DENTAL, AND OPTOMETRIC SERVICES RENDERED TO INMATES PRIOR TO JULY 1, 1998, AND THE ASSOCIATED COPAYMENTS RECEIVED THEREFOR. THE REPORT SHALL ALSO ITEMIZE THE MEDICAL, DENTAL, AND OPTOMETRIC SERVICES RENDERED ON AND AFTER JULY 1, 1998, TO INMATES AND THE COPAYMENTS ASSESSED FOR SUCH SERVICES SINCE THAT DATE. THE DEPARTMENT SHALL ANALYZE THE EFFECTIVENESS OF THE REVISED COPAYMENT SCHEDULE AND PROCEDURES IN IMPROVING DEPARTMENTAL PRACTICE CONSISTENCY AND IN REDUCING THE PROVISION OF UNNECESSARY MEDICAL SERVICES TO INMATES.

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 10, 1998