

CHAPTER 294

CORRECTIONS

HOUSE BILL 03-1228

BY REPRESENTATIVE(S) Cadman, Crane, Fairbank, Rhodes, Butcher, Frangas, Hall, Hoppe, Miller, Rose, and Schultheis;
also SENATOR(S) Dyer, Chlouber, and Jones.

AN ACT

**CONCERNING A LIMITATION ON LIABILITY FOR THE TREATMENT COSTS OF SPECIFIED HEALTH CARE
CONDITIONS OF A PERSON IN A COUNTY JAIL.**

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

SECTION 1. 17-26-104.5, Colorado Revised Statutes, is amended to read:

17-26-104.5. Medical visits - charge to persons in custody. (1) A county jail may assess a medical treatment charge against any person who receives while being held in custody medical treatment performed by a physician, dentist, nurse, or licensed hospital or as a result of a sick call or for whom a prescription is filled. The county jail may assess any such medical treatment charge against the person's jail account. In addition, the county jail may assess a reasonable medical treatment charge for each visit by a person in custody to an institutional or noninstitutional physician, dentist, or optometrist; except that a medical treatment charge shall not be assessed for any visit required by the county jail during the intake process OR an annual physical examination REQUIRED BY THE COUNTY JAIL. ~~any visit to a physician, dentist, or optometrist that results from a referral by a nurse, physician's assistant, or physician, or any emergency treatment or follow-up visit initiated by a medical professional.~~ In no case shall a person's inability to pay be the basis for not providing ~~treatment by any medical personnel~~ MEDICAL TREATMENT EQUIVALENT TO THE COMMUNITY STANDARD OF CARE. Any medical treatment charge that remains unpaid shall constitute a cost of care that the person ~~may~~ SHALL be ordered to pay pursuant to section 18-1.3-701, C.R.S., and that may be collected by the county pursuant to the provisions of section 16-11-101.6, C.R.S.

(2) The provisions of this section shall apply to any person held in custody in a county jail regardless of whether the person is a juvenile, is being held prior to trial, or is in custody for conviction under a state statute or a county or municipal

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

ordinance.

(3) WHEN A PERSON IS HELD IN CUSTODY IN A COUNTY JAIL, THE PERSON SHALL BE PRIMARILY RESPONSIBLE FOR THE PAYMENT OF THE COST OF MEDICAL CARE PROVIDED TO THE PERSON FOR A SELF-INFLICTED INJURY OR A CONDITION THAT WAS PREEXISTING PRIOR TO THE PERSON'S ARREST AND SHALL BE CHARGED FOR THE MEDICAL CARE BY THE PROVIDER OF CARE. FOR PURPOSES OF THIS SECTION, "PREEXISTING CONDITION" MEANS AN ILLNESS BEGINNING OR AN INJURY SUSTAINED BEFORE A PERSON IS IN THE PEACEABLE CUSTODY OF THE COUNTY'S OFFICERS. THIS SUBSECTION (3) SHALL NOT APPLY TO CARE REQUIRED BY THE COUNTY JAIL PURSUANT TO SUBSECTION (1) OF THIS SECTION, CARE PAID FOR BY OTHER ENTITIES PURSUANT TO SECTION 17-26-120 OR 17 26-124, CARE PAID FOR BY ANY OTHER ENTITY, OR MEDICAL CARE PROVIDED BY THE COLORADO MENTAL HEALTH INSTITUTE AT PUEBLO.

(4) A COUNTY MAY SEEK PAYMENT OR REIMBURSEMENT FOR ANY MEDICAL TREATMENT COSTS FROM A PERSON BEING HELD IN CUSTODY AND RECEIVING SUCH SERVICES, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1) OF THIS SECTION.

SECTION 2. Effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 22, 2003