

CHAPTER 95

CORRECTIONS

HOUSE BILL 08-1192

BY REPRESENTATIVE(S) Mitchell V., Kerr J., Carroll M., Carroll T., Labuda, Lambert, Lundberg, Rice, Roberts, Rose, Stafford, and Todd;
also SENATOR(S) Spence, Taylor, and Schultheis.

AN ACT

CONCERNING CHARGES TO INMATES FOR HEALTH CARE SERVICES.

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 general assembly hereby finds that the ~~system of~~ PROCEDURES FOR charging inmates a ~~three-dollar~~ copayment for ~~certain~~ medical services ~~but not for other services~~, ~~is~~ ARE confusing to department personnel and, as a result, ~~is~~ ARE 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.~~

(b) The general assembly therefore finds and determines that the department should establish CLEAR AND consistent WRITTEN PROCEDURES CONCERNING copayments for ~~all~~ medical, dental, MENTAL HEALTH, and optometric services rendered to or on behalf of inmates and should require the facilities rendering ~~such~~ THE services to ~~follow specified procedures~~ COMPLY WITH THE PROCEDURES, including the maintenance of detailed records regarding the assessment of copayments.

(2) The department shall assess ~~consistent copayments~~ A COPAYMENT, in ~~amounts to be determined~~ AN AMOUNT ESTABLISHED by ~~rule~~ WRITTEN PROCEDURES of the executive director pursuant to subsection (4) of this section, NOT TO EXCEED FIVE DOLLARS PER VISIT, against an inmate's account for every INMATE-INITIATED

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

REQUEST FOR medical ~~service~~ OR MENTAL HEALTH SERVICES provided to ~~such~~ THE 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~~ A COPAYMENT, in ~~amounts to be determined~~ AN AMOUNT ESTABLISHED by ~~rule~~ WRITTEN PROCEDURES of the executive director pursuant to subsection (4) of this section, against an inmate's account for every INMATE-INITIATED visit by ~~such~~ THE 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 OR MENTAL HEALTH services.

(3) The department shall communicate the ~~new mandatory~~ copayment ~~policy~~ PROCEDURES to every correctional facility that provides medical, dental, MENTAL HEALTH, 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~~ ESTABLISH WRITTEN PROCEDURES RELATING to medical, dental, MENTAL HEALTH, and optometric service copayments, which ~~rules~~ PROCEDURES 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 INMATE-INITIATED 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 OR MENTAL HEALTH service that may be rendered;

(b) The amount of the ~~consistent~~ copayment to be ~~charged~~ ASSESSED against an inmate's account for INMATE-INITIATED 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~~ THE copayments;

(d) THE SPECIFIC SERVICES FOR WHICH A COPAYMENT WILL BE ASSESSED, WAIVED, OR REDUCED, AS WELL AS the specific and exclusive bases upon which a copayment may be waived by department personnel, INCLUDING BUT NOT LIMITED TO THE INMATE'S INABILITY TO PAY THE COPAYMENT, THE HEALTH NEEDS OF THE INMATE AND THE PUBLIC HEALTH AND SAFETY NEEDS OF THE INSTITUTION;

(e) The information to be obtained by department personnel at the time of the inmate's medical, dental, MENTAL HEALTH, or optometric visit on a standardized department form, including the inmate's name, the inmate's identification number, the amount of the copayment assessed, IF ANY, the reason for the visit, the type of service rendered, and the basis for any waiver of the copayment; and

(f) ~~Disciplinary~~ THE APPROPRIATE action ~~to~~ THAT WILL be taken, CONSISTENT WITH STATE PERSONNEL RULES, against department personnel who fail to ~~assess~~ COMPLY WITH the copayment PROCEDURES.

(5) The department shall monitor the information collected pursuant to paragraph (e) of subsection (4) of this section to ensure that the ~~copayments~~ COPAYMENT PROCEDURES are being ~~assessed~~ APPLIED consistently to all inmates.

(6) Repealed.

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, (August 6, 2008, if adjournment sine die is on May 7, 2008); 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: April 3, 2008