

Senate File 2191 - Enrolled

Senate File 2191

AN ACT

RELATING TO THE PAYMENT OF REQUIRED MEDICAL AID PROVIDED TO PRISONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 356.15, Code 2020, is amended to read as follows:

356.15 Expenses.

1. All charges and expenses for the safekeeping and maintenance of prisoners shall be allowed by the board of supervisors, ~~except those~~ with the exception of the following prisoners:

a. Those committed or detained by the authority of the courts of the United States, in which cases the United States must pay such expenses to the county, ~~or those.~~

b. Those committed for violation of a city ordinance, in which case the city shall pay expenses to the county, ~~or those.~~

c. Those committed or detained from another state, in which case the governmental entity from the other state sending the prisoners shall pay expenses to the county.

2. Notwithstanding the charges and expenses allowed pursuant to subsection 1, the costs of required medical aid furnished to prisoners in the custody of the county sheriff pursuant to section 356.5 shall be paid as specified in sections 356.15A and 804.28.

Sec. 2. NEW SECTION. 356.15A Responsibility for payment of required medical aid.

1. For purposes of this section:

a. "Governmental entity" means the state or a state department, division, commission, institution, or authority, an agency, city, county, or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or a department, division, or agency of the United States, and an agency, commission, or authority established pursuant to an interstate compact or agreement.

b. "Health insurance" means a policy, plan, contract, or other agreement providing health insurance, health care benefits, or health care services, provided by an entity including an insurance company offering sickness and accident plans, a health maintenance organization, a nonprofit health service corporation, or any other entity providing a plan of health insurance, health care benefits, or health care services. *"Health insurance"* includes but is not limited to private health insurance, Medicaid, and Medicare.

c. "Other benefits" includes but is not limited to veterans administration benefits or other benefits for which the prisoner is eligible or entitled to pay for medical aid.

d. "Prisoner" means an individual confined in a jail or municipal holding facility.

2. A prisoner has the primary responsibility for payment of the costs of required medical aid provided pursuant to section 356.5. Payment and reimbursement for medical aid provided to a prisoner shall be sought as follows:

a. A governmental entity shall request available sources of health insurance or other benefits from a prisoner at the time of intake into a county jail or municipal holding facility. If the governmental entity identifies health insurance or other benefits to which the prisoner is entitled, the governmental entity shall provide the health insurance or benefit information to a hospital or medical provider at the time the prisoner is presented at the hospital or medical provider or at the earliest possible opportunity.

b. A hospital or medical provider shall request available sources of health insurance or other benefits from the governmental entity and the prisoner at the time of intake

at or admission of the prisoner into the hospital or medical provider. The hospital or medical provider shall utilize the health insurance or other benefits identified and shall seek payment for medical aid through the prisoner's health insurance or other benefits prior to a request for reimbursement being presented to a governmental entity. If the prisoner is entitled to health insurance or other benefits to pay for the medical aid, any amounts not met by the prisoner's health insurance or other benefits shall be the responsibility of the prisoner.

c. (1) If health insurance is denied or other benefits are not available to pay for medical aid provided to a prisoner, a hospital or medical provider shall submit any bill for reimbursement of medical aid to the governmental entity within sixty days of treatment or shall submit any written denial of coverage to the governmental entity within sixty days of receipt of the denial, whichever is applicable.

(2) The governmental entity shall submit the bill for reimbursement within thirty days of receipt of the bill and shall remit payment to the hospital or medical provider in the governmental entity's next billing cycle.

(3) The hospital or medical provider shall be reimbursed by the governmental entity at the rate negotiated and agreed upon by the hospital or medical provider and the governmental entity. If a rate has not been agreed to, the governmental entity shall reimburse the hospital or medical provider the hospital's or medical provider's Medicaid rate for such treatment, regardless of the prisoner's eligibility for Medicaid.

3. Except as provided in chapters 669 and 670, a governmental entity shall not be responsible for payment of the costs of any medical aid provided to a prisoner if such medical aid is provided after the prisoner is released from the custody of the governmental entity or when the individual is released on parole.

4. This section does not preclude a city or a county from seeking reimbursement from a prisoner for the costs of medical aid incurred by the city or county for the prisoner's medical aid including as provided pursuant to section 356.7.

5. Notwithstanding any provision of this section to the contrary, payment for medical aid provided to a prisoner at a state-funded hospital shall be provided through state funds received by the hospital.

CHARLES SCHNEIDER
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2191, Eighty-eighth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2020

KIM REYNOLDS
Governor