

House Study Bill 518 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOLT)

A BILL FOR

1 An Act relating to the payment of required medical aid provided
2 to prisoners.

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

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

3 **356.15 Expenses.**

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

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

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

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

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

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

23 1. For purposes of this section:

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

32 *b.* "Health insurance" means a policy, plan, contract,
33 or other agreement providing health insurance, health care
34 benefits, or health care services, provided by an entity
35 including an insurance company offering sickness and accident

1 plans, a health maintenance organization, a nonprofit health
2 service corporation, or any other entity providing a plan
3 of health insurance, health care benefits, or health care
4 services. "Health insurance" includes but is not limited to
5 private health insurance, Medicaid, and Medicare.

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

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

11 2. A prisoner has the primary responsibility for payment of
12 the costs of required medical aid provided pursuant to section
13 356.5. Payment and reimbursement for medical aid provided to a
14 prisoner shall be sought as follows:

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

24 b. A hospital or medical provider shall request available
25 sources of health insurance or other benefits from the
26 governmental entity and the prisoner at the time of intake
27 at or admission of the prisoner into the hospital or medical
28 provider. The hospital or medical provider shall utilize the
29 health insurance or other benefits identified and shall seek
30 payment for medical aid through the prisoner's health insurance
31 or other benefits prior to a request for reimbursement being
32 presented to a governmental entity. If the prisoner is
33 entitled to health insurance or other benefits to pay for the
34 medical aid, any amounts not met by the prisoner's health
35 insurance or other benefits shall be the responsibility of the

1 prisoner.

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

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

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

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

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

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

35

EXPLANATION

1 The inclusion of this explanation does not constitute agreement with
2 the explanation's substance by the members of the general assembly.

3 This bill relates to the payment of required medical aid
4 provided to prisoners confined in a jail or municipal holding
5 facility.

6 The bill provides definitions for "governmental entity",
7 "health insurance", "other benefits", and "prisoner" for the
8 purposes of the bill.

9 The bill provides that a prisoner has the primary
10 responsibility for payment of the costs of required medical aid
11 provided to the prisoner.

12 Payment and reimbursement for medical aid provided to a
13 prisoner is to be sought by a governmental entity, hospital, or
14 medical provider in accordance with the bill.

15 A governmental entity is required to request available
16 sources of health insurance or other benefits from a prisoner
17 at the time of intake into a county jail or municipal holding
18 facility. If identified, the governmental entity is required
19 to provide the prisoner's health insurance or benefit
20 information to a hospital or medical provider at the time the
21 prisoner is presented at the hospital or medical provider or at
22 the earliest possible opportunity.

23 A hospital or medical provider is required to request
24 available sources of health insurance or other benefits from
25 the governmental entity and the prisoner at the time of intake
26 at or admission of the prisoner to the hospital or medical
27 provider. The hospital or medical provider shall utilize the
28 health insurance or other benefits identified and shall seek
29 payment for medical aid through the prisoner's health insurance
30 or other benefits prior to a request for reimbursement being
31 presented to a governmental entity. If the prisoner is
32 entitled to health insurance or other benefits to pay for the
33 medical aid, any amounts not met by the prisoner's health
34 insurance or other benefits shall be the responsibility of the
35 prisoner.

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2 available to pay for medical aid provided to a prisoner,
3 a hospital or medical provider shall submit any bill for
4 reimbursement of medical aid to the governmental entity within
5 30 days of treatment or shall submit any written denial of
6 coverage to the governmental entity within 30 days of receipt
7 of the denial, as applicable. The governmental entity shall
8 submit the bill for reimbursement within 30 days of receipt of
9 the bill and shall remit payment to the hospital or medical
10 provider in the governmental entity's next billing cycle.

11 The hospital or medical provider shall be reimbursed by the
12 governmental entity at the rate negotiated and agreed upon by
13 the hospital or medical provider and the governmental entity.
14 If a rate has not been agreed to, the governmental entity shall
15 reimburse the hospital or medical provider the hospital's or
16 medical provider's published Medicaid rate for such treatment,
17 regardless of the prisoner's eligibility for Medicaid.

18 Except as otherwise provided by law, a governmental entity
19 shall not be responsible for payment of the costs of any
20 medical aid provided to a prisoner if such medical aid is
21 provided after the prisoner is released from the custody of
22 the governmental entity or when the individual is released on
23 parole. The bill does not preclude a city or a county from
24 seeking reimbursement from a prisoner for the costs of medical
25 aid incurred by the city or county for the prisoner's medical
26 aid. Payment for medical aid provided to a prisoner at a
27 state-funded hospital shall be provided through state funds
28 received by the hospital.