

Senate Study Bill 1074 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ZAUN)

A BILL FOR

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

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

1 Section 1. Section 356.15, Code 2019, 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 in the custody of the county sheriff
6 shall be allowed by the board of supervisors, ~~except those with~~
7 the exception of the following 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**
22 **of required medical aid — priority for providers seeking**
23 **reimbursement.**

24 1. For purposes of this section:

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

33 *b.* "Health insurer" means an entity providing a plan
34 of health insurance, health care benefits, or health care
35 services, including an insurance company offering sickness and

1 accident plans, a health maintenance organization, a nonprofit
2 health service corporation, or any other entity providing a
3 plan of health insurance, health care benefits, or health care
4 services.

5 *c.* "Prisoner" means any individual confined in a jail.

6 2. A prisoner has the primary responsibility for payment of
7 the costs of required medical aid provided pursuant to section
8 356.5. A provider of such medical aid to a prisoner shall
9 seek reimbursement from the following sources in the following
10 priority order:

11 *a.* (1) From a health insurer, if the prisoner is entitled
12 to payment or reimbursement for the costs of such medical aid
13 under the terms and provisions of a policy, plan, contract,
14 or other agreement with a health insurer. This paragraph
15 shall not be interpreted to expand or enlarge the liability of
16 any such health insurer and such health insurer shall not be
17 responsible for paying or reimbursing any costs of medical aid
18 for which the health insurer is not otherwise responsible under
19 the terms of the applicable policy, plan, contract, or other
20 agreement.

21 (2) A prisoner who is entitled to payment or reimbursement
22 for the costs of medical aid provided under the terms of a
23 policy, plan, contract, or other agreement with a health
24 insurer shall cooperate fully with the provider of such medical
25 aid to secure payment from such health insurer.

26 *b.* From any other available source, including, when
27 appropriate, the United States department of veterans
28 affairs, the United states social security administration, the
29 department of human services, or other similar source.

30 *c.* (1) Upon a demonstration that reimbursement from the
31 sources specified in paragraphs "a" and "b" is not available,
32 in whole or in part, for the medical aid provided, from the
33 appropriate governmental agency if the governmental agency is
34 otherwise required by law to pay for the costs of the medical
35 aid. Reimbursement under this paragraph "c" shall be at the

1 Medicare rate, the Medicaid rate, or at the rate negotiated
2 between the governmental agency and the provider, whichever
3 rate is lowest.

4 (2) Payment under this paragraph "c" shall be made within
5 ninety days following the demonstration that alternative
6 reimbursement is not available.

7 (3) (a) For the purposes of this paragraph "c", a
8 demonstration that reimbursement is not available shall
9 be deemed sufficient if a provider of medical aid signs an
10 affidavit stating all of the following:

11 (i) In the case of a health insurer, a written denial of
12 payment has been issued by the health insurer.

13 (ii) In all other cases, efforts have been made to identify
14 sources and to collect from those sources, and more than one
15 hundred eighty days have passed since the medical aid was
16 rendered or the normal collection efforts have been exhausted
17 but full payment has not been received.

18 (b) The affidavit shall be forwarded to the appropriate
19 governmental agency.

20 (4) A provider of medical aid shall not be required to file
21 suit in a court of law or retain the services of a collection
22 agency to satisfy the required demonstration that reimbursement
23 is not available pursuant to this paragraph "c".

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

30 4. Any governmental agency presenting a prisoner for
31 medical aid shall notify the provider of such medical aid of
32 all information available to the governmental agency concerning
33 potential sources of payment.

34 5. This section does not preclude a city or a county from
35 seeking reimbursement from a prisoner for the costs of medical

1 aid incurred by the city or county for the prisoner's medical
2 aid including as provided pursuant to section 356.7.

3 6. Payment for medical aid provided to a prisoner at a
4 state-funded hospital shall be provided through state funds
5 received by the hospital.

6 EXPLANATION

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

9 This bill relates to the payment of required medical aid
10 provided to prisoners of county jails.

11 The bill provides that while it is the duty of the keeper
12 of a jail to furnish necessary medical aid to a prisoner,
13 the prisoner has the primary responsibility for payment of
14 the costs of the medical aid provided. The bill requires a
15 provider of the medical aid to seek reimbursement from sources
16 in the following priority order: (1) from a health insurer,
17 if the prisoner is entitled to payment or reimbursement for
18 the costs of the medical aid under the terms and provisions
19 of a policy, plan, contract, or other agreement with a health
20 insurer, (2) from any other available source, including,
21 when appropriate, the United States department of veterans
22 affairs, the United States social security administration,
23 the department of human services, or other similar source,
24 and (3) upon demonstration, by affidavit as provided in the
25 bill, that reimbursement is not available, in whole or in
26 part, through either the first or second priority source,
27 from the appropriate governmental agency, if the governmental
28 agency is otherwise required by law to pay for the costs of
29 the medical aid. If a governmental agency is required to pay
30 for the medical aid, payment must be made within 90 days, at
31 the Medicare rate, the Medicaid rate, or the rate negotiated
32 between the governmental agency and the provider, whichever
33 rate is lowest. A provider of medical aid is not required
34 to file suit in a court of law or retain the services of a
35 collection agency to satisfy the required demonstration that

1 reimbursement is not available. Unless otherwise provided by
2 law, a governmental agency is not responsible for payment of
3 the costs of any medical aid provided to a prisoner if the
4 medical aid is provided after the individual is released from
5 the custody of the governmental agency or when the individual
6 is released on parole. A governmental agency presenting a
7 prisoner for medical aid shall notify the provider of the
8 medical aid of all information available to the governmental
9 agency concerning potential sources of payment. The bill does
10 not preclude a city or a county from seeking reimbursement from
11 a prisoner for the costs of medical aid incurred by the city or
12 county for the prisoner's medical aid, and medical aid provided
13 to prisoners at a state-funded hospital shall be provided
14 through state funds received by the hospital.