

By Mr. Kennedy of Brockton, petition of Thomas P. Kennedy and another relative to the reimbursement of county jails and houses of correction for medical and health services provided for inmates. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Seven.

AN ACT RELATIVE TO THE REIMBURSEMENT OF COUNTY JAILS AND HOUSES OF CORRECTION FOR MEDICAL AND HEALTH SERVICES PROVIDED TO INMATES DURING THEIR INCARCERATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws are amended by inserting after
2 section 29 of chapter 126 the following new sections: —

3 Section 29A. Notwithstanding the provision of any special or
4 general law to the contrary, sick, injured, or disabled prisoners
5 shall be responsible for reimbursing the department of the county
6 sheriff for the payment of all expenses incurred for medical care
7 provided while in the custody of the department of the sheriff, and
8 shall furnish the sheriff with the following information:

9 (1) The existence of any health insurance, group health plan, or
10 prepaid medical care coverage under which the prisoner is
11 insured;

12 (2) The eligibility for benefits under any state or federal med-
13 ical assistance program to which the prisoner is entitled;

14 (3) The name and address of the third party payor; and

15 (4) The policy identifying number.

16 The ability for payment for medical care described in this
17 section may not be construed as requiring payment by any person
18 or entity, except by a prisoner personally or through coverage or
19 benefits described in this section.

20 The liability for payment for medical care described in this
21 section shall not obligate a prisoner to reimburse the county

22 sheriff's department for routine initial screening and physical
23 examinations as described in section sixteen of chapter 127.

24 Such reimbursements to the department of the county sheriff
25 shall be used for the general operation of the jail and house of
26 correction and shall not act to reduce any appropriations for jails
27 and houses of corrections from the county, state or federal
28 governments.

1 SECTION 2. Chapter 127 of the General Laws, as appearing in
2 the 1992 Official Edition, is hereby amended by inserting after
3 section 117A a new section as follows: —

4 Section 117B. The expense of care provided under sec-
5 tion 117A, except for prisoners with policies of health insurance,
6 shall be paid by the jail or house of correction; provided, however,
7 that no provider or facility as defined in section 2 of chapter 118E
8 shall charge a rate for services higher than the rate established for
9 the medical assistance program established under chapter 118E.