10061.0200

Sixty-second Legislative Assembly of North Dakota

Introduced by

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SECOND DRAFT:

Prepared by the Legislative Council staff for the Advisory Commission on Intergovernmental Relations September 2010

- 1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota
- 2 Century Code, relating to inmate medical care costs; and to amend and reenact subsection 4 of
- 3 section 12-44.1-01 and sections 12-44.1-12.1 and 12-44.1-14 of the North Dakota Century
- 4 Code, relating to adequate medical care and payment of medical costs of inmates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

- SECTION 1. AMENDMENT. Subsection 4 of section 12-44.1-01 of the North Dakota

 Century Code is amended and reenacted as follows:
 - 4. "Inmate" means any person, whether sentenced or unsentenced, who is detained or confined in a correctional facility. The term does not include an individual who is under the supervision of the correctional facility and is supervised under home detention, electronic monitoring, or a similar program that does not involve physical detention or confinement in the facility.
 - **SECTION 2. AMENDMENT.** Section 12-44.1-12.1 of the North Dakota Century Code is amended and reenacted as follows:
- 15 **12-44.1-12.1.** Establishment of inmate accounts Withholding funds for inmate 16 financial obligations - Health care costs - Payment of funds to inmate upon release.
 - 1. The correctional facility administrator shall establish an inmate account for each inmate.
 - 2. The correctional facility administrator may withdraw funds from an inmate's account to meet the inmate's legitimate financial obligations, including child support and restitution. The correctional facility administrator may withdraw funds from the inmate's account to pay and for the inmate's medical, dental, and eye care costs while the inmate is incarcerated in the correctional facility. Before the funds may be withdrawn, the inmate must first receive written notice and be provided a

'		псе	hearing with the right to correctional racility stair assistance and the right to review		
2		by 1	by the correctional facility administrator. No written notice or hearing is required if		
3		the	the withdrawal of funds is being made to meet the inmate's child support obligation.		
4	3.	A-c	A correctional facility administrator may collect fees from inmates to offset health		
5		care costs as follows:			
6		a.	For a medical visit, up to ten dollars per medical visit made at the request of		
7			an inmate.		
8		b.	For self-inflicted injuries, the total amount of medical costs incurred.		
9		e.	For necessary health care services, the correctional facility may seek		
10			reimbursement from the inmate up to the total amount of health care costs		
11			incurred. If the inmate has health insurance coverage, a medical or health		
12			care provider must file a claim for reimbursement from the health insurance		
13			coverage carrier. A correctional facility may not assess an inmate for any		
14			costs associated with an intake health care assessment and related testing or		
15			for an examination of an inmate made at the request of the facility.		
16		d.	For elective health care requested by an inmate and as allowed by		
17			correctional facility policy, the inmate is responsible for the amount of the		
18			costs incurred.		
19		e.	A correctional facility may not deny necessary and nonelective medical and		
20			health care to an inmate who does not have health insurance or does not		
21			have the ability to pay the costs of the medical or health care.		
22	4. <u>2.</u>	The	e correctional facility administrator shall pay an inmate all funds in the inmate's		
23		acc	ount when the inmate is discharged from the correctional facility or when the		
24		inm	ate is transferred to another correctional facility, less the inmate's outstanding		
25		obli	gations to the correctional facility.		
26	5. <u>3.</u>	Thi	s section does not limit or alter the provisions of chapter 14-09 relating to		
27		inco	ome withholding orders for child support.		
28	SECTION 3. A new section to chapter 12-44.1 of the North Dakota Century Code is				
29	9 created and enacted as follows:				
30	Inmate medical care costs. An inmate is financially responsible for the costs of				
31	medical or health care, except for an intake health care assessment and related testing for an				

- 1 examination of the inmate made at the request of the facility. The correctional facility may seek
- 2 <u>reimbursement from the inmate up to the total amount of incurred medical or health care costs.</u>
- 3 If the inmate has health insurance coverage, a medical or health care provider shall file a claim
- 4 for reimbursement from the health insurance provider. If the inmate does not have health
- 5 insurance coverage and the inmate's medical or health care costs are the responsibility of the
- 6 correctional facility, the correctional facility's responsibility may not exceed the rates paid under
- 7 the federal medicare program. If elective medical or health care is allowed by a correctional
- 8 facility policy, the inmate must arrange payment for elective medical or health care before
- 9 <u>receiving care.</u>

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- SECTION 4. AMENDMENT. Section 12-44.1-14 of the North Dakota Century Code is amended and reenacted as follows:
- 12 **12-44.1-14. Inmate rights.** Subject to reasonable safety, security, discipline, and correctional facility administration requirements, the administrator of each correctional facility shall:
 - Ensure inmates have confidential access to attorneys and their authorized representatives.
 - 2. Ensure that inmates are not subjected to discrimination based on race, national origin, color, creed, sex, economic status, or political belief.
 - 3. Ensure equal access by male and female inmates to programs and services available through the correctional facility.
 - 4. Ensure access to mail, telephone use, and visitors.
- 22 5. Ensure that inmates are properly fed, clothed, and housed.
- 6. Ensure that inmates have adequate medical care. Adequate medical care means
 necessary treatment for a medical or health condition that develops while
 incarcerated and for which serious pain or hardship would occur if care is not
 given. A correctional facility may not deny adequate medical care to an inmate
 who does not have health insurance or does not have the ability to pay the costs of
 the medical or health care.
 - 7. Ensure that inmates may reasonably exercise their religious beliefs.