

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS35143-LL-76 (2/22)

Short Title: Contain Counties' Inmate Medical Costs. (Public)

Sponsors: Senators J. Davis, Newton, and Goolsby (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CAP REIMBURSEMENT BY COUNTIES FOR MEDICAL SERVICES
3 PROVIDED TO INMATES IN COUNTY JAILS AND TO ALLOW COUNTIES TO
4 UTILIZE MEDICAID FOR ELIGIBLE PRISONERS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Counties shall reimburse those providers and facilities providing
7 approved inmate medical services to inmates in local confinement facilities the lesser amount
8 of either a rate of seventy percent (70%) of the provider's then-current prevailing charge or two
9 times the then-current Medicaid rate for any given service. Each county shall have the right to
10 audit any given provider to determine the actual prevailing charge to ensure compliance with
11 this provision.

12 This section does apply to vendors providing services that are not billed on a
13 fee-for-service basis, such as temporary staffing. Nothing in this section shall preclude a county
14 from contracting with a provider for services at rates that provide greater documentable cost
15 avoidance for the county than do the rates contained in this section or at rates that are less
16 favorable to the county but that will ensure the continued access to care.

17 **SECTION 2.** G.S. 153A-225(a) reads as rewritten:

18 "(a) Each unit that operates a local confinement facility shall develop a plan for
19 providing medical care for prisoners in the facility. ~~The plan-plan:~~

- 20 (1) Shall be designed to protect the health and welfare of the prisoners and to
21 avoid the spread of contagious disease;
- 22 (2) Shall provide for medical supervision of prisoners and emergency medical
23 care for prisoners to the extent necessary for their health and welfare;
- 24 (3) Shall provide for the detection, examination and treatment of prisoners who
25 are infected with tuberculosis or venereal ~~diseases;diseases; and~~
- 26 (4) May utilize Medicaid coverage for eligible prisoners, provided that the plan
27 includes a reimbursement to the State of the State portion of the costs,
28 including the costs of the services provided and any administrative costs to
29 the State's Medicaid program.

30 The unit shall develop the plan in consultation with appropriate local officials and
31 organizations, including the sheriff, the county physician, the local or district health director,
32 and the local medical society. The plan must be approved by the local or district health director
33 after consultation with the area mental health, developmental disabilities, and substance abuse
34 authority, if it is adequate to protect the health and welfare of the prisoners. Upon a
35 determination that the plan is adequate to protect the health and welfare of the prisoners, the
36 plan must be adopted by the governing body.



1 As a part of its plan, each unit may establish fees of not more than twenty dollars (\$20.00)
2 per incident for the provision of nonemergency medical care to prisoners. In establishing fees
3 pursuant to this section, each unit shall establish a procedure for waiving fees for indigent
4 prisoners."

5 **SECTION 3.** This act becomes effective July 1, 2013.