

No. 1996-40

AN ACT

SB 856

Establishing the Prison Medical Services Program within the Department of Corrections.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Prison Medical Services Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Department.” The Department of Corrections of the Commonwealth.

“Program.” The Prison Medical Services Program established for inmates under section 3 of this act.

Section 3. Medical services program.

(a) Establishment.—The Prison Medical Services Program is established in the Department of Corrections which shall include, but not be limited to, the provisions of this act. This program shall be a copay program requiring inmates to pay a fee to cover a portion of the actual costs of the medical services provided.

(b) Fees.—The department shall develop by regulation a program for inmates which includes fees for certain medical services. The regulations shall provide for consistent medical services guidelines by specifying the medical services which are subject to fees, the fee amounts, payment procedures, medical services which are not subject to fees and fees applicable to medical emergencies, chronic care and preexisting conditions. In addition to other medical services provided to the inmate, an inmate may be required to pay a fee for medical services provided because of injuries the inmate inflicted upon himself or another inmate.

(c) Explanation of program.—Each inmate shall be advised of the medical services fees and payment procedures at the time of intake. An explanation of the program regulations shall be included in the inmate handbook.

(d) Written notice of changes.—Each inmate shall receive written notice of any changes in medical services fees and payment procedures and an initial written notice of the program’s implementation.

(e) Ability to pay.—No inmate shall be denied access to medical services because of an inability to pay the required fees.

(f) Fee debits.—An inmate shall acknowledge in writing any debit made to his inmate account for a medical services fee.

(g) Deposits.—Medical services fees collected under this act shall be deposited in the General Fund.

Section 4. Powers and duties of department.

The department shall implement the program by:

- (1) Issuing regulations as required under section 3.
- (2) Providing department staff and medical services providers with training relating to the program.
- (3) Developing administrative forms for the implementation of the program.
- (4) Providing for administrative and accounting procedures for the program and an annual audit of the program.
- (5) Providing written notice to all current inmates regarding implementation of the program.

Section 5. Costs outstanding upon release.

The department may seek to recover any amount owed for medical services fees by an inmate upon release from prison through a civil action brought within one year of the inmate's release. The department shall have the burden to prove the amount owed. Inability to pay as determined by the court shall be a defense to the payment of part or all of the fees.

Section 6. Report to General Assembly.

The department shall submit to the chairmen and minority chairmen of the Appropriations Committee and the Judiciary Committee of the Senate and the chairmen and minority chairmen of the Appropriations Committee and the Judiciary Committee of the House of Representatives an annual report on the Prison Medical Services Program established under this act. The report shall provide information on the fees charged and the fees collected under the program and shall include a summary of the annual audit of the program as required under section 4. The report may recommend legislative changes for the program and propose model legislation for counties which may wish to develop similar programs.

Section 7. Applicability.

The department shall collect fees for medical services provided to an inmate after the effective date of the program regulations as published in the Pennsylvania Bulletin.

Section 8. Effective date.

This act shall take effect immediately.

APPROVED—The 16th day of May, A.D. 1996.

THOMAS J. RIDGE