

## SENATE BILL No. 85

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 11-12-5-5; IC 12-7-2-128.7; IC 12-15-20-2; IC 12-16-1.5.

**Synopsis:** County jail inmate medical costs. Establishes the county jail inmate medical care fund. Allows a county to levy a property tax to pay the medical care expenses of a person confined to the county jail for a term exceeding 30 days. Provides that the property tax is outside the government levy limits. Provides the following limits to the amount a county may levy to pay for inmate medical expenses: (1) \$1,250,000 in a county having a population of at least 100,000; (2) \$500,000 in a county having a population of at least 40,000 but less than 100,000; and (3) \$250,000 in a county having a population of less than 40,000. Provides that a person confined to a county jail for a term of less than 30 days is responsible for the person's medical care expenses. Caps the  
(Continued next page)

**Effective:** January 1, 1999 (retroactive).

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### Wheeler

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January 6, 1999, read first time and referred to Committee on Governmental and Regulatory Affairs.

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amount that may be spent on an inmate's medical care expenses from the county jail inmate medical care fund. Provides that the state pays from the Medicaid indigent care trust fund amounts for jail inmate medical care that exceed the amounts paid from a county jail inmate medical care fund.

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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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## SENATE BILL No. 85

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A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 11-12-5-5 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:  
3 Sec. 5. (a) This section does not apply to a person confined to a county  
4 jail who:  
5 (1) maintains a policy of insurance from a private company  
6 covering:  
7 (A) medical care;  
8 (B) dental care;  
9 (C) eye care; or  
10 (D) any other health care related service; or  
11 (2) ~~is willing to pay~~ **pays** for the person's own medical care **under**  
12 **IC 12-16-1.5-11.**  
13 (b) Except as provided in subsection (c), a person confined to a  
14 county jail may be required to make a copayment in an amount of not  
15 more than ten dollars (\$10) for each provision of any of the following



- 1 services:
- 2 (1) Medical care.
- 3 (2) Dental care.
- 4 (3) Eye care.
- 5 (4) Any other health care related service.
- 6 (c) A person confined to a county jail is not required to make the
- 7 copayment under subsection (b) if:
- 8 (1) the person does not have funds in the person's commissary
- 9 account or trust account at the time the service is provided;
- 10 (2) the person does not have funds in the person's commissary
- 11 account or trust account within thirty (30) days after the service
- 12 is provided;
- 13 (3) the service is provided in an emergency;
- 14 (4) the service is provided as a result of an injury received in the
- 15 county jail; or
- 16 (5) the service is provided at the request of the sheriff or jail
- 17 administrator.
- 18 (d) Money collected must be deposited into the:
- 19 (1) county medical care for inmates fund; **or**
- 20 (2) **county jail inmate medical care fund, if the county has an**
- 21 **ordinance establishing a county jail inmate medical care fund**
- 22 **under IC 12-16-1.5.**
- 23 (e) **Money remaining in a county medical care for inmates fund**
- 24 **must be transferred to the county jail inmate medical care fund**
- 25 **after the adoption of an ordinance in the county establishing a**
- 26 **county jail inmate medical care fund under IC 12-16-1.5.**
- 27 (f) Rules for the implementation of this section must be
- 28 approved by the county legislative body.
- 29 SECTION 2. IC 12-7-2-128.7 IS ADDED TO THE INDIANA
- 30 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 31 [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]: **Sec. 128.7.**
- 32 **"Medical care expenses", for purposes of IC 12-16-1.5, has the**
- 33 **meaning set forth in IC 12-16-1.5-1.**
- 34 SECTION 3. IC 12-15-20-2 IS AMENDED TO READ AS
- 35 FOLLOWS [EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]:
- 36 Sec. 2. The Medicaid indigent care trust fund is established to pay the
- 37 state's share of the following:
- 38 (1) Enhanced disproportionate share payments to providers under
- 39 IC 12-15-19.
- 40 (2) Disproportionate share payments and significant
- 41 disproportionate share payments for certain outpatient services
- 42 under IC 12-15-17-3.

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1 (3) Medicaid payments for pregnant women described in  
 2 IC 12-15-2-13 and infants and children described in  
 3 IC 12-15-2-14, IC 12-15-2-15, and IC 12-15-2-15.5.

4 (4) Municipal disproportionate share payments to providers under  
 5 IC 12-15-19-8.

6 (5) **The medical care expenses of a person confined to a county  
 7 jail that exceed the county's share of the medical care  
 8 expenses payable from the county jail inmate medical care  
 9 fund under IC 12-16-1.5-13.**

10 SECTION 4. IC 12-16-1.5 IS ADDED TO THE INDIANA CODE  
 11 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 12 JANUARY 1, 1999 (RETROACTIVE)]:

13 **Chapter 1.5. County Jail Inmate Medical Care Fund**

14 **Sec. 1. As used in this chapter, "medical care expenses" refers  
 15 to expenses relating to the following services provided to a county  
 16 jail inmate:**

- 17 (1) Medical care.  
 18 (2) Dental care.  
 19 (3) Eye care.  
 20 (4) Any other health care related service.

21 **Sec. 2. A county jail inmate medical care fund is established in  
 22 each county that adopts an ordinance under this chapter.**

23 **Sec. 3. A county jail inmate medical care fund established by an  
 24 ordinance adopted under this chapter consists of the following:**

- 25 (1) A tax levy on the property located in each county.  
 26 (2) A copayment imposed upon county jail inmates for  
 27 medical care under IC 11-12-5-5.

28 **Sec. 4. (a) A county fiscal body may impose the levy described  
 29 in section 5 of this chapter on all taxable property in a county in  
 30 which an ordinance is adopted under this chapter.**

31 **(b) A levy imposed under this chapter must be collected in the  
 32 same manner as other state and county ad valorem property taxes  
 33 are collected.**

34 **Sec. 5. (a) To establish a county jail inmate medical care fund,  
 35 a county fiscal body must, after January 1 but before July 1 of a  
 36 year, adopt an ordinance substantially stating the following:**

37 "The \_\_\_\_\_ County Council establishes the \_\_\_\_\_  
 38 County jail inmate medical care fund and levies an ad  
 39 valorem property tax at a rate of \_\_\_\_\_ cents on each one  
 40 hundred dollars (\$100) of assessed valuation of property in  
 41 \_\_\_\_\_ County."

42 **(b) An ordinance adopted under this section applies to property**

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1 taxes first due and payable in the year after the year the ordinance  
2 is adopted.

3 (c) The county auditor shall record all votes taken on an  
4 ordinance presented for a vote under the authority of this section  
5 and immediately send a certified copy of the results to the state  
6 board of tax commissioners by certified mail.

7 Sec. 6. (a) A county fiscal body may reduce or rescind the  
8 annual levy imposed under this chapter by adopting an ordinance  
9 to reduce or rescind the levy after January 1 but before July 1 of  
10 a year.

11 (b) An ordinance adopted under this chapter takes effect  
12 January 1 of the year after the year the ordinance is adopted and  
13 applies to property taxes due and payable in the year following the  
14 year the ordinance is adopted.

15 (c) The county auditor shall record all votes taken on an  
16 ordinance presented for a vote under the authority of this chapter  
17 and immediately send a certified copy of the results to the state  
18 board of tax commissioners by certified mail.

19 Sec. 7. A county in which an ordinance is adopted under this  
20 chapter may not impose a county jail inmate medical care fund  
21 property tax levy that exceeds the following:

22 (1) One million two hundred fifty thousand dollars  
23 (\$1,250,000) for a county having a population of at least one  
24 hundred thousand (100,000).

25 (2) Five hundred thousand dollars (\$500,000) for a county  
26 having a population of at least forty thousand (40,000) but less  
27 than one hundred thousand (100,000).

28 (3) Two hundred fifty thousand dollars (\$250,000) for a  
29 county having a population of less than forty thousand  
30 (40,000).

31 Sec. 8. The ad valorem property tax levy limits imposed by  
32 IC 6-1.1-18.5-3 do not apply to the ad valorem property tax  
33 imposed under this chapter.

34 Sec. 9. A county in which an ordinance is adopted under this  
35 chapter may not impose a county jail inmate medical care fund  
36 property tax rate of more than fifteen cents (\$0.15) on each one  
37 hundred dollars (\$100) of assessed valuation of taxable property in  
38 the county.

39 Sec. 10. If property tax revenues collected under this chapter  
40 exceed the levy limits specified in section 7 of this chapter, the  
41 amount in excess of the limit must be deposited into the county  
42 general fund.



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1           **Sec. 11. (a) Except as provided in subsection (b), money in a**  
 2 **county's county jail inmate medical care fund must be used to pay**  
 3 **the medical care expenses of a county jail inmate who is committed**  
 4 **to a county jail for a term of more than thirty (30) days.**

5           **(b) Money in the county jail inmate medical care fund may not**  
 6 **be used to pay a medical expense of a county jail inmate if:**

7               **(1) the expense may be paid by the inmate's private insurance**  
 8 **carrier; or**

9               **(2) the expense may be paid by Medicare or Medicaid.**

10           **Sec. 12. A person confined to a county jail for a term of not**  
 11 **more than thirty (30) days is responsible for the person's medical**  
 12 **care expenses incurred while the person is confined to a county jail.**

13           **Sec. 13. (a) A county may not pay more than the following**  
 14 **amounts from the county jail inmate medical care fund toward the**  
 15 **medical care expenses of a person confined in a county jail during**  
 16 **the person's lifetime:**

17               **(1) Two hundred fifty thousand dollars (\$250,000) in a county**  
 18 **having a population of at least one hundred thousand**  
 19 **(100,000).**

20               **(2) One hundred thousand dollars (\$100,000) in a county**  
 21 **having a population of at least forty thousand (40,000) but less**  
 22 **than one hundred thousand (100,000).**

23               **(3) Fifty thousand dollars (\$50,000) in a county having a**  
 24 **population of less than forty thousand (40,000).**

25           **(b) If the medical care expenses of a person confined to a county**  
 26 **jail exceed the limits contained in this section, the excess is paid**  
 27 **from the Medicaid indigent care trust fund under IC 12-15-20-2.**

28           **Sec. 14. The medical care expenses of a person committed to a**  
 29 **county jail by another county are the responsibility of the**  
 30 **committing county regardless of whether an ordinance has been**  
 31 **adopted under this chapter by the committing county.**

32           **Sec. 15. The medical care expenses of a person committed to a**  
 33 **county jail by the department of correction are the responsibility**  
 34 **of the department of correction under IC 12-16-1.**

35           **SECTION 5. An emergency is declared for this act.**

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