



Reprinted
March 24, 2009

ENGROSSED
HOUSE BILL No. 1182

DIGEST OF HB 1182 (Updated March 23, 2009 3:15 pm - DI 106)

Citations Affected: IC 11-12; IC 36-2; noncode.

Synopsis: Health care services for county prisoners. Specifies reimbursement and other requirements related to the provision of health care services to certain county prisoners.

Effective: July 1, 2009.

Blanton, Saunders, Bischoff,
Michael

(SENATE SPONSORS — WYSS, BECKER, SKINNER, ARNOLD)

January 13, 2009, read first time and referred to Committee on Local Government.
February 10, 2009, amended, reported — Do Pass.
February 23, 2009, read second time, amended, ordered engrossed.
February 24, 2009, engrossed. Read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 25, 2009, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.
March 19, 2009, amended, reported favorably — Do Pass.
March 23, 2009, read second time, amended, ordered engrossed.

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First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1182

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

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

- 1 SECTION 1. IC 11-12-5-5.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 5.5. (a) As used in this section, "charge description
4 master" means a listing of the amount charged by a hospital for
5 each service, item, and procedure:**
6 (1) provided by the hospital; and
7 (2) for which a separate charge exists.
8 (b) As used in this section, "health care services" includes health
9 care items and procedures.
10 (c) As used in this section, "lawful detention" means the
11 following:
12 (1) Arrest.
13 (2) Custody following surrender in lieu of arrest.
14 (3) Detention in a penal facility.
15 (4) Detention for extradition or deportation.
16 (5) Custody for purposes incident to any of the above,
17 including transportation, medical diagnosis or treatment,

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court appearances, work, or recreation.
The term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail.

(d) This section:

(1) does not apply in the case of a person who is subject to lawful detention by a county sheriff and is:

(A) covered under private health coverage for health care services; or

(B) willing to pay for the person's own health care services; and

(2) does not affect copayments required under section 5 of this chapter.

(e) Except as provided in subsection (f), a county that is responsible for payment for health care services provided to a person who is subject to lawful detention by the county's sheriff shall reimburse:

(1) a physician licensed under IC 25-22.5;

(2) a hospital licensed under IC 16-21-2; or

(3) another health care provider;

for the cost of a health care service at the federal Medicare reimbursement rate for the health care service provided plus four percent (4%).

(f) If there is no federal Medicare reimbursement rate for a health care service described in subsection (e), the county shall do the following:

(1) If the health care service is provided by a hospital, the county shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.

(2) If the health care service is provided by a physician or another health care provider, the county shall reimburse the physician or health care provider an amount equal to sixty-five percent (65%) of the amount charged by the physician or health care provider.

(g) This section expires June 30, 2011.

SECTION 2. IC 36-2-13-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) As used in this section, "health care services" includes health care items and procedures.

(b) As used in this section, "lawful detention" means the following:

(1) Arrest.

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- 1 (2) Custody following surrender in lieu of arrest.
- 2 (3) Detention in a penal facility.
- 3 (4) Detention for extradition or deportation.
- 4 (5) Custody for purposes incident to any of the above,
- 5 including transportation, medical diagnosis or treatment,
- 6 court appearances, work, or recreation.
- 7 The term does not include supervision of a person on probation or
- 8 parole or constraint incidental to release with or without bail.
- 9 (c) This section does not apply to a person who is subject to
- 10 lawful detention and is:
- 11 (1) covered under private health coverage for health care
- 12 services; or
- 13 (2) willing to pay for the person's own health care services.
- 14 (d) A sheriff of a county may not release a person subject to
- 15 lawful detention solely for the purpose of preventing the county
- 16 from being financially responsible under IC 11-12-5 for health care
- 17 services provided to the person.
- 18 (e) If a county violates subsection (d), the county remains
- 19 financially responsible under IC 11-12-5 for health care services
- 20 provided to the person released from lawful detention.
- 21 (f) A county is financially responsible under IC 11-12-5 for
- 22 health care services provided to a person at a hospital if the person
- 23 was subject to lawful detention by the sheriff at the time the person
- 24 entered onto the hospital's premises.
- 25 (g) If a person is subjected to lawful detention after entering
- 26 onto the premises of a hospital, the county in which the hospital is
- 27 located is financially responsible under IC 11-12-5 for the health
- 28 care services provided to the person while the person is subject to
- 29 lawful detention.
- 30 (h) For purposes of this section, if a sheriff brings a person
- 31 subject to lawful detention onto the premises of a hospital or
- 32 subjects a person to lawful detention after the person enters onto
- 33 the premises of a hospital, the sheriff shall remain on the premises
- 34 of the hospital and within reasonable proximity to the person while
- 35 the person receives health care services at the hospital unless:
- 36 (1) the person's medical condition renders the person
- 37 incapable of leaving the hospital; and
- 38 (2) the person does not pose a threat to hospital personnel or
- 39 property or to others at the hospital.
- 40 (i) This section does not prevent or limit the application of
- 41 IC 11-12-5-5 concerning the making of copayments by a person
- 42 confined to a county jail.

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(j) A county that is responsible for paying the medical care expenses of a county jail inmate under IC 11-12-5-6 is responsible for paying the medical care expenses of the inmate under this section.

(k) This section does not supersede a written agreement:

(1) between:

(A) a physician, a hospital, or another health care provider; and

(B) a sheriff;

concerning reimbursement for health care services provided to a person subject to lawful detention; and

(2) entered into or renewed before July 1, 2009.

(l) This section expires June 30, 2011.

SECTION 3. [EFFECTIVE JULY 1, 2009] (a) IC 11-12-5-5.5, as added by this act, does not limit, repeal, or supersede a contract:

(1) executed before July 1, 2009;

(2) between a physician, hospital, or other health care provider and a county or sheriff; and

(3) concerning reimbursement for a health care service provided to a person who is subject to lawful detention by a county sheriff.

(b) This SECTION expires July 1, 2011.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1182, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "**As used in this section, "charge description master" means a listing of the amount charged by a hospital for each service, item, and procedure:**

- (1) **provided by the hospital; and**
- (2) **for which a separate charge exists.**

(b)".

Page 1, line 3, delete "has" and insert "**means a detention described in IC 35-41-1-18 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7), or (a)(9).**".

Page 1, delete line 4.

Page 1, line 5, delete "(b)" and insert "(c)".

Page 1, line 17, delete "(c) A" and insert "**(d) Except as provided in subsection (e), a**".

Page 2, line 6, delete "Medicaid fee for service" and insert "**federal Medicare reimbursement rate for the health care service provided plus four percent (4%).**

(e) **If there is no federal Medicare reimbursement rate for a health care service described in subsection (d), the county shall do the following:**

- (1) **If the health care service is provided by a hospital, the county shall reimburse the hospital an amount equal to sixty-five percent (65%) of the amount charged by the hospital according to the hospital's charge description master.**
- (2) **If the health care service is provided by a physician or another health care provider, the county shall reimburse the physician or health care provider an amount equal to sixty-five percent (65%) of the amount charged by the physician or health care provider.**

(f) **This section expires June 30, 2011.**

SECTION 2. IC 36-2-13-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 18. (a) As used in this section, "lawful detention" means a detention described in IC 35-41-1-18 (a)(1), (a)(2), (a)(3), (a)(6), (a)(7), or (a)(9).**

(b) **This section does not apply to a person who is subject to lawful detention and is:**

- (1) **covered under private health coverage for:**

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- (A) medical care;
- (B) dental care; or
- (C) another health care service; or

(2) willing to pay for the person's own health care services.

(c) A sheriff of a county may not release a person subject to lawful detention solely for the purpose of preventing the county from being financially responsible under IC 11-12-5-5.5 for health care services provided to the person.

(d) If a county violates subsection (c), the county remains financially responsible under IC 11-12-5 for health care services provided to the person released from lawful detention.

(e) A county is financially responsible under IC 11-12-5 for health care services provided to a person at a hospital if the person was subject to lawful detention by the sheriff at the time the person entered the hospital's premises.

(f) If a person is subjected to lawful detention after entering the premises of a hospital, the county in which the hospital is located is financially responsible under IC 11-12-5 for the health care services provided to the person while the person is subject to lawful detention.

(g) For purposes of this section, if a sheriff brings a person subject to lawful detention onto the premises of a hospital or subjects a person to lawful detention after the person enters the premises of a hospital, the sheriff shall remain on the premises of the hospital and within reasonable proximity to the person while the person receives health care services at the hospital unless:

- (1) the person's medical condition renders the person incapable of leaving the hospital; and
- (2) the person does not pose a threat to hospital personnel or property or to others at the hospital.

(h) This section does not prevent or limit the application of IC 11-12-5-5 concerning the making of copayments by a person confined to a county jail.

(i) A county that is responsible for paying the medical care expenses of a county jail inmate under IC 11-12-5-6 is responsible for paying the medical care expenses of the inmate under this section.

(j) This section does not supersede a written agreement:

- (1) between:
 - (A) a physician, a hospital, or another health care provider; and
 - (B) a sheriff;

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concerning reimbursement for health care services provided to a person subject to lawful detention; and

(2) entered into or renewed before July 1, 2009.

(k) This section expires June 30, 2011."

Page 2, delete line 7.

Page 2, line 16, delete "2013." and insert "2011."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1182 as introduced.)

SMITH V, Chair

Committee Vote: yeas 7, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1182 be amended to read as follows:

Page 1, line 8, after "(b)" insert "**As used in this section, "health care services" includes health care items and procedures.**

(c)".

Page 1, line 11, delete "(c)" and insert "**(d)**".

Page 1, line 14, delete ":" and insert "**health care services; or**".

Page 1, delete lines 15 through 17.

Page 2, delete line 1.

Page 2, line 6, delete "(d)" and insert "**(e)**".

Page 2, line 6, delete "(e)," and insert "**(f)**".

Page 2, line 16, delete "(e)" and insert "**(f)**".

Page 2, line 17, delete "(d)," and insert "**(e)**".

Page 2, line 28, delete "(f)" and insert "**(g)**".

Page 2, line 31, after "(a)" insert "**As used in this section, "health care services" includes health care items and procedures.**

(b)".

Page 2, line 34, delete "(b)" and insert "**(c)**".

Page 2, line 36, delete ":" and insert "**health care services; or**".

Page 2, delete lines 37 through 39.

Page 2, line 41, delete "(c)" and insert "**(d)**".

Page 3, line 1, delete "IC 11-12-5-5.5" and insert "**IC 11-12-5**".

Page 3, line 3, delete "(d)" and insert "**(e)**".

Page 3, line 3, delete "(c)," and insert "**(d)**".

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- Page 3, line 6, delete "(e)" and insert "(f)".
- Page 3, line 9, after "entered" insert "onto".
- Page 3, line 10, delete "(f)" and insert "(g)".
- Page 3, line 10, after "entering" insert "onto".
- Page 3, line 15, delete "(g)" and insert "(h)".
- Page 3, line 17, after "enters" insert "onto".
- Page 3, line 25, delete "(h)" and insert "(i)".
- Page 3, line 28, delete "(i)" and insert "(j)".
- Page 3, line 32, delete "(j)" and insert "(k)".
- Page 3, line 40, delete "(k)" and insert "(l)".

(Reference is to HB 1182 as printed February 11, 2009.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1182, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 10, delete "a detention" and insert "**the following**:"

- (1) Arrest.
- (2) Custody following surrender in lieu of arrest.
- (3) Detention in a penal facility.
- (4) Detention for extradition or deportation.
- (5) Custody for purposes incident to any of the above, including transportation, medical diagnosis or treatment, court appearances, work, or recreation.

The term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail."

Page 1, delete lines 11 through 12.

Page 2, line 32, delete "a detention" and insert "**the following**:"

- (1) Arrest.
- (2) Custody following surrender in lieu of arrest.
- (3) Detention in a penal facility.
- (4) Detention for extradition or deportation.
- (5) Custody for purposes incident to any of the above, including transportation, medical diagnosis or treatment, court appearances, work, or recreation.



The term does not include supervision of a person on probation or parole or constraint incidental to release with or without bail."

Page 2, delete lines 33 through 34.

Page 3, line 1, after "person." insert **"This subsection does not prohibit a court from releasing a person on the person's own recognizance."**

and when so amended that said bill do pass.

(Reference is to HB 1182 as reprinted February 24, 2009.)

STEELE, Chairperson

Committee Vote: Yeas 11, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1182 be amended to read as follows:

Page 3, line 17, delete "This subsection does not prohibit".

Page 3, delete line 18.

(Reference is to EHB 1182 as printed March 20, 2009.)

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