



February 8, 2011

HOUSE BILL No. 1329

DIGEST OF HB 1329 (Updated February 3, 2011 9:39 am - DI 75)

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

Synopsis: Liability for county detainee health care services. Allows a county and a health care provider to enter into a reimbursement agreement for a lower reimbursement rate than the statutory rate for health care services provided to individuals subject to lawful detention. Removes expiration dates of applicable statutes.

Effective: July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Local Government.
February 7, 2011, reported — Do Pass.

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HB 1329—LS 7357/DI 97+



February 8, 2011

First Regular Session 117th General Assembly (2011)

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 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1329

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, AS ADDED BY P.L.80-2009,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2011]: Sec. 5.5. (a) As used in this section, "charge
4 description master" means a listing of the amount charged by a hospital
5 for 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 following:
11 (1) Arrest.
12 (2) Custody following surrender in lieu of arrest.
13 (3) Detention in a penal facility.
14 (4) Detention for extradition or deportation.
15 (5) Custody for purposes incident to any of the above, including
16 transportation, medical diagnosis or treatment, court appearances,
17 work, or recreation.

HB 1329—LS 7357/DI 97+



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

- 3 (d) This section:
- 4 (1) does not apply in the case of a person who is subject to lawful
- 5 detention by a county sheriff and is:
- 6 (A) covered under private health coverage for health care
- 7 services; or
- 8 (B) willing to pay for the person's own health care services;
- 9 and
- 10 (2) does not affect copayments required under section 5 of this
- 11 chapter.

12 (e) Except as provided in ~~subsection~~ **subsections (f) and (g)**, a
13 county that is responsible for payment for health care services provided
14 to a person who is subject to lawful detention by the county's sheriff
15 shall reimburse:

- 16 (1) a physician licensed under IC 25-22.5;
 - 17 (2) a hospital licensed under IC 16-21-2; or
 - 18 (3) another health care provider;
- 19 for the cost of a health care service at the federal Medicare
20 reimbursement rate for the health care service provided plus four
21 percent (4%).

22 (f) **Except as provided in subsection (g)**, if there is no federal
23 Medicare reimbursement rate for a health care service described in
24 subsection (e), the county shall do the following:

- 25 (1) If the health care service is provided by a hospital, the county
- 26 shall reimburse the hospital an amount equal to sixty-five percent
- 27 (65%) of the amount charged by the hospital according to the
- 28 hospital's charge description master.
- 29 (2) If the health care service is provided by a physician or another
- 30 health care provider, the county shall reimburse the physician or
- 31 health care provider an amount equal to sixty-five percent (65%)
- 32 of the amount charged by the physician or health care provider.

33 ~~(g) This section expires June 30, 2011.~~

34 **(g) A county described in subsection (e) or (f) may reimburse a**
35 **health care provider described in subsection (e)(1), (e)(2), or (e)(3)**
36 **at a lower reimbursement rate than the rate required by subsection**
37 **(e) or (f) if the county enters into an agreement with a health care**
38 **provider described in subsection (e)(1), (e)(2), or (e)(3) to**
39 **reimburse the health care provider for a health care service at the**
40 **lower reimbursement rate.**

41 SECTION 2. IC 36-2-13-18, AS ADDED BY P.L.80-2009,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 18. (a) As used in this section, "health care
2 services" includes health care items and procedures.
3 (b) As used in this section, "lawful detention" means the following:
4 (1) Arrest.
5 (2) Custody following surrender in lieu of arrest.
6 (3) Detention in a penal facility.
7 (4) Detention for extradition or deportation.
8 (5) Custody for purposes incident to any of the above, including
9 transportation, medical diagnosis or treatment, court appearances,
10 work, or recreation.
11 The term does not include supervision of a person on probation or
12 parole or constraint incidental to release with or without bail.
13 (c) This section does not apply to a person who is subject to lawful
14 detention and is:
15 (1) covered under private health coverage for health care services;
16 or
17 (2) willing to pay for the person's own health care services.
18 (d) A sheriff of a county may not release a person subject to lawful
19 detention solely for the purpose of preventing the county from being
20 financially responsible under IC 11-12-5 for health care services
21 provided to the person.
22 (e) If a county violates subsection (d), the county remains
23 financially responsible under IC 11-12-5 for health care services
24 provided to the person released from lawful detention.
25 (f) A county is financially responsible under IC 11-12-5 for health
26 care services provided to a person at a hospital if the person was
27 subject to lawful detention by the sheriff at the time the person entered
28 onto the hospital's premises.
29 (g) If a person is subjected to lawful detention after entering onto
30 the premises of a hospital, the county in which the hospital is located
31 is financially responsible under IC 11-12-5 for the health care services
32 provided to the person while the person is subject to lawful detention.
33 (h) For purposes of this section, if a sheriff brings a person subject
34 to lawful detention onto the premises of a hospital or subjects a person
35 to lawful detention after the person enters onto the premises of a
36 hospital, the sheriff shall remain on the premises of the hospital and
37 within reasonable proximity to the person while the person receives
38 health care services at the hospital unless:
39 (1) the person's medical condition renders the person incapable of
40 leaving the hospital; and
41 (2) the person does not pose a threat to hospital personnel or
42 property or to others at the hospital.

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- 1 (i) This section does not prevent or limit the application of
- 2 IC 11-12-5-5 concerning the making of copayments by a person
- 3 confined to a county jail.
- 4 (j) A county that is responsible for paying the medical care expenses
- 5 of a county jail inmate under IC 11-12-5-6 is responsible for paying the
- 6 medical care expenses of the inmate under this section.
- 7 (k) This section does not supersede a written agreement:
- 8 (1) between:
- 9 (A) a physician, a hospital, or another health care provider;
- 10 and
- 11 (B) a sheriff;
- 12 concerning reimbursement for health care services provided to a
- 13 person subject to lawful detention; and
- 14 (2) entered into or renewed before July 1, 2009.
- 15 ~~(t) This section expires June 30, 2011.~~

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

NEESE, Chair

Committee Vote: yeas 7, nays 0.

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