

# ARTICLE 7. OFFENDER HEALTH CARE CO-PAYMENT PROCEDURES

## Rule 1. General Provisions; Applicability

### 210 IAC 7-1-1 Definitions; applicability

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 1. The definitions in this rule apply throughout this article. (*Department of Correction; 210 IAC 7-1-1; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2284; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

### 210 IAC 7-1-2 "Chronically prescribed medication" defined

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 2. "Chronically prescribed medication" means a drug or substance prescribed repeatedly over a prolonged period of time, usually in the treatment of a chronic illness. (*Department of Correction; 210 IAC 7-1-2; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2284; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

### 210 IAC 7-1-3 "Co-payment" defined

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 3. "Co-payment" means the share of the costs of providing health care related services or goods paid by an offender. (*Department of Correction; 210 IAC 7-1-3; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2284; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

### 210 IAC 7-1-4 "Department" defined

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 4. "Department" means department of correction. (*Department of Correction; 210 IAC 7-1-4; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2284; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

### 210 IAC 7-1-5 "Health care services" defined

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 5. "Health care services" means any services, including medical, dental, eye, or hearing care, or pharmacy provided by the department to offenders. These services may be provided either by department staff, through a contract, or by a private provider selected by the department. Mental health services and the prescription of psychotropic or neuroleptic medications are not included in these services. (*Department of Correction; 210 IAC 7-1-5; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2284; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

**210 IAC 7-1-6 "Health care services staff" defined**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 6. "Health care services staff" means health care professionals, including:

- (1) physicians;
- (2) nurses;
- (3) dentists;
- (4) optometrists; and
- (5) specialists;

who are either staff or provide services to the department at the request of the department. (*Department of Correction; 210 IAC 7-1-6; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2284; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

**210 IAC 7-1-7 "Neuroleptic medication" defined**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 7. "Neuroleptic medication" means psychotropic medication utilized to control psychotic thinking or behavior. (*Department of Correction; 210 IAC 7-1-7; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2285; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

**210 IAC 7-1-8 "Offender" defined**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 8. "Offender" means any person committed to the department and who is housed in a department facility. (*Department of Correction; 210 IAC 7-1-8; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2285; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

**210 IAC 7-1-9 "Psychotropic medication" defined**

Authority: IC 11-10-3-5

Affected: IC 11-10-3-5

Sec. 9. "Psychotropic medication" means a drug or substance which exerts an effect upon the mind and is capable of modifying mental activity. (*Department of Correction; 210 IAC 7-1-9; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2285; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA*)

**210 IAC 7-1-10 Applicability of article**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 10. (a) This article is applicable to all offenders committed to the department, except those offenders who:

- (1) maintain a policy of health care insurance from a private company that will be in effect during the offender's incarceration and will cover:
  - (A) medical care;

- (B) dental care;
- (C) eye care; or
- (D) any other health care related service; or

(2) are willing and able to pay for their own medical care.

(b) All other offenders not covered in subsection (a) who are committed to the department shall be required to make a co-payment for covered health care services unless:

- (1) the offender does not have funds in the Inmate Trust Fund account at the time the service is provided;
- (2) the offender does not have funds in the Inmate Trust Fund account within thirty (30) days after the service is provided;
- (3) the service is provided in an emergency;
- (4) the service is provided as a result of an injury received while in the custody of the department; or
- (5) the specific services are provided at the request of the facility head or designee.

*(Department of Correction; 210 IAC 7-1-10; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2285; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:35 p.m.: 20161214-IR-210160377RFA)*

## **Rule 2. Health Care Services**

### **210 IAC 7-2-1 Access**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 1. (a) All offenders shall be entitled to the following:

- (1) Medical care, medical personnel, and medical facilities of a quality complying with applicable state licensing requirements.
- (2) First-aid or emergency treatment on a twenty-four (24) hour basis.
- (3) Mental health care by a psychiatrist, a psychologist, or another mental health professional.

(b) Only those health care services authorized by the department, and in accordance with department procedures and health care directives, shall be available to offenders. Offenders seeking health care services shall be required to obtain the authorized services from health care professionals designated by the department. Offenders shall not be allowed to choose either the health care professional or the location where such services are provided.

(c) No offender shall be denied health care services by anyone other than a qualified health care professional who has made a determination, based upon professional judgement, that the requested services are not appropriate.

(d) No offender shall be denied health care services due to a lack of sufficient funds in the Inmate Trust Fund account to make the required co-payment.

(e) All offenders who have been committed to the department, but who are housed in a county jail, shall be subject to the rules of the county jail in which they are housed. Any co-payment for health care services shall be as determined by the rules of the county jail. *(Department of Correction; 210 IAC 7-2-1; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2285; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA)*

### **210 IAC 7-2-2 Covered health care services**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 2. Unless specifically exempted from this chapter, all health care services provided by the department shall require an offender co-payment. Co-payments shall not be required for the following:

- (1) Mental health services.
- (2) Substance abuse services.
- (3) Staff-initiated contacts, such as the following:

- (A) Initial health care screenings.
  - (B) Transfer screenings.
  - (C) Annual or age appropriate screenings.
  - (D) Written referrals from one (1) health care professional to another.
  - (E) Follow-up appointments with specialists or designated health care professionals.
- (4) Immunizations and tests, such as tuberculosis skin tests, and other treatments instituted by the department for public health reasons.
- (5) Ancillary services, such as lab work or x-rays.
- (6) Admission to a hospital or emergency room services.
- (7) Health care supplies, such as the following:
- (A) Braces.
  - (B) Stockings.
  - (C) Ostomy supplies.
  - (D) Dentures.
  - (E) Eyeglasses.
- (8) Review of charts or meetings with offenders for interfacility transfers.

*(Department of Correction; 210 IAC 7-2-2; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2285; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA)*

#### **210 IAC 7-2-3 Amount of co-payments**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 3. (a) The amounts charged for covered health care shall be as follows:

- (1) For all offender-initiated contact with a covered health care professional (including physicians, nurses, dentists, optometrists, and specialists in the medical, dental, or optometric fields), five dollars (\$5).
- (2) For all initial prescriptions of medications or medications provided, at a single visit, with the exception of psychotropic and neuroleptic medications, five dollars (\$5).

(b) There shall be no co-payment for renewal of chronically prescribed medication following the initial prescription of the medication. Additionally, there shall be no co-payment for renewal of medication that is prescribed as a part of a treatment program that will require a follow-up evaluation requested by the health care services staff. *(Department of Correction; 210 IAC 7-2-3; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2286; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA)*

#### **210 IAC 7-2-4 Request for health care services; offender-initiated**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 4. (a) Any offender may request health care services at any time. An offender shall not be denied access to health care services due to the inability to make the required co-payment. Additionally, only health care staff shall make the decision that an offender does not need to see a health care professional.

(b) An offender desiring to see a health care professional shall obtain State Form 45913, "Request for Health Care," from a designated source. The offender shall complete the offender portion of the form indicating the type of request and the nature of the complaint or request. The offender shall be required to sign and date State Form 45913. An offender who refuses to sign or date State Form 45913 shall be provided access to the health care staff. The staff person receiving the form shall sign the form indicating that the offender refused to sign. Refusal to sign the form shall not prevent the department from withdrawing the appropriate co-payment from the offender's Inmate Trust Fund account.

(c) In the case where an offender cannot complete State Form 45913 due to illiteracy or physical inability, a staff person shall

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complete the form for the offender. When a staff person completes the form on behalf of the offender, the request shall be considered as an offender-initiated request. The staff person assisting the offender shall ensure that the offender portion of State Form 45913 is completed and that it is forwarded to the health care services staff.

(d) Each facility shall ensure that sufficient copies of State Form 45913 are available for offender use. Copies of State Form 45913 shall be made available, at a minimum, at the following locations:

- (1) In control posts, housing units, and work or program assignment areas.
- (2) Through the offender counselors.

Offenders shall have access to these forms at any time.

(e) Upon completion of the form, the offender shall submit State Form 45913 in accordance with the established procedures of the facility. The staff person receiving the form shall ensure that the form is forwarded to the appropriate health care services staff as quickly as possible and in accordance with facility procedures.

(f) Health care staff shall review the form to determine whether it is completed correctly and to make a preliminary determination as to what action shall be taken. If the request is determined to be appropriate, the health care staff shall make the necessary arrangements to see the offender and follow the applicable department procedures and health care services directives.

(g) Designated health care services staff shall complete the health care services staff portion of State Form 45913. Health care services staff shall indicate whether the provided service is a co-payment authorized service and shall so indicate on the form. A copy of this form shall be filed in the offender's health care record. If a co-payment is to be charged, the remaining copies of the form shall be forwarded to the facility business office. (*Department of Correction; 210 IAC 7-2-4; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2286; errata filed Jul 1, 1997, 9:55 a.m.: 20 IR 3016; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA*)

### **210 IAC 7-2-5 Request for health care services; staff-initiated**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 5. (a) In certain cases, staff may determine that an offender is in need of services provided by health care professionals. These cases may include those times indicated in section 2 of this rule and when staff feel that an offender may require immediate or emergency care.

(b) When staff initiate an offender's health care services contact, the staff person making the request shall contact the facility's health care services staff. The staff person shall indicate that the contact is staff-initiated and explain the apparent need for the services. Health care services staff shall determine whether it will be necessary for the offender to be seen.

(c) Health care services staff shall complete State Form 45913 at the time that the services are provided. The completed State Form 45913 shall be distributed as necessary. (*Department of Correction; 210 IAC 7-2-5; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2287; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA*)

### **210 IAC 7-2-6 Payment for services**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 6. (a) The processing of requests of co-payment shall be done on the same cycle as commissary purchases. Health care services co-payments shall be posted to the Inmate Trust Fund account prior to the processing of commissary orders. Withdrawals from the Inmate Trust Fund for co-payment of health care service shall be made prior to any other withdrawal, except for those withdrawals mandated by statute, court order, or department disciplinary actions. An offender shall not be authorized to make any purchases or obtain any monies from the Inmate Trust Fund until such time as all outstanding health care services co-payments have been withdrawn from the account.

(b) After the requested services have been provided, the designated health care services staff shall ensure that the health care staff portion of State Form 45913 is completed. Health care staff shall indicate whether a co-payment is required and, if so, the amount that is to be withdrawn from the offender's account. The health care services staff person completing the form shall sign

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and date the form.

(c) Following the completion of the designated portion of State Form 45913, health care services staff shall forward the two (2) copies of the form to the facility's business office, when the services require an offender co-payment. The facility shall designate a staff person in the business office to receive these forms. This person shall have access to the Inmate Trust Fund.

(d) Upon receipt of State Form 45913, the designated business office staff shall review the form and determine the amount of co-payment that is to be withdrawn from the offender's account. Following this review, the business office staff person shall review the offender's Inmate Trust Fund account. A determination shall be made as to whether the offender has sufficient funds available in the trust fund account to make the indicated co-payment. If there are sufficient funds available to make the indicated co-payment, the staff person shall withdraw that amount from the offender's account. A notation shall be made on the State Form 45913 indicating the amount withdrawn from the offender's account and the date. The staff person making the withdrawal shall sign the form. A copy shall be returned to the offender and a copy filed in the designated file.

(e) When a co-payment is required and the offender does not have sufficient monies in the Inmate Trust Fund, the staff person shall place an administrative hold on the offender's account. This hold shall be dated and shall remain in effect for a period of thirty (30) days. During the thirty (30) day period, if the offender receives any funds in the Inmate Trust Fund, the co-payment shall be made prior to any other offender-initiated withdrawals and the hold released. The payment of the health care services co-payment shall take a priority over any other withdrawals from the offender's account, except those mandated by statute, court order, or department disciplinary action.

(f) In those cases where an offender does not receive sufficient funds to cover the co-payment within the thirty (30) day period of the hold, the amount available in the account will be deducted and the hold removed from the account. Prior to the end of the thirty (30) day hold, the designated business office staff person shall review the offender's Inmate Trust Fund account to determine the balance of the account. If sufficient funds are not available to cover the entire cost of the health care services co-payment, the staff person shall withdraw whatever amount is available in the account and apply it toward the co-payment. The amount deducted from the offender's account shall be considered full payment of the health care services co-payment. After the thirty (30) day period of the hold, the hold on the account shall be removed and the debt shall be considered retired. The facility shall not go beyond thirty (30) days from the date of the service in order to try to recover the co-payment. The facility's business office or designated staff shall be responsible for ensuring that the hold is removed at the end of the thirty (30) day period.

(g) The designated staff person shall ensure that the business office portion of State Form 45913 is completed. The staff person shall indicate the total amount of funds deducted from the offender's account. A completed copy of the State Form 45913 shall be returned to the offender and a copy filed in the designated file. (*Department of Correction; 210 IAC 7-2-6; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2287; errata filed Jul 1, 1997, 9:55 a.m.: 20 IR 3016; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA*)

### **210 IAC 7-2-7 Grievances**

Authority: IC 11-10-3-5

Affected: IC 11-10-3

Sec. 7. An offender may challenge any order for health care services co-payment or any action relevant to payment for health care services in accordance with the procedures for Policy 00-02-301, "The Offender Grievance Process". (*Department of Correction; 210 IAC 7-2-7; filed Apr 30, 1997, 9:00 a.m.: 20 IR 2288; readopted filed Jul 14, 2003, 10:50 a.m.: 26 IR 3960; readopted filed Dec 2, 2009, 2:18 p.m.: 20091223-IR-210090805RFA; readopted filed Nov 15, 2016, 1:36 p.m.: 20161214-IR-210160378RFA*)

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