

ORDINANCE NO. FCO 2007-XV

AN ORDINANCE TO ESTABLISH A MEDICAL CO-PAYMENT POLICY FOR INMATES IN THE FLOYD COUNTY CORRECTIONAL FACILITY

WHEREAS, the Board of Commissioners of Floyd County, Indiana (the "Commissioners") is empowered to create rules for the collection of co-payments for the Floyd County Jail inmate medical care pursuant to I.C. 11-12-5-5, et seq.

WHEREAS, this proposed ordinance has been duly advertised and a public hearing has been held concerning the establishment of this Medical Co-Payment Policy for inmates in the Floyd County Correctional Facility.

WHEREAS, the Commissioners have the authority under I.C. 36-1-3-6 (the "Home Rule") to adopt an ordinance under Home Rule to establish and authorize the Sheriff's Sale Program.

NOW THEREFORE, be it ordained by the Commissioners of Floyd County, Indiana that:

Section 1. This section does not apply to a person confined in the county jail who:

- (A) maintains a policy of insurance from a private company covering:
 - (1) medical care;
 - (2) dental care;
 - (3) eye care; or
 - (4) other health care related services, including jail nurse.
- (B) is willing to pay for the person's own medical care; or
- (C) is committed to the department of corrections.

Section 2. Except as provided in Section 3, a person confined to a county jail may be required to make a co-payment in an amount of not more than Seven (\$7.00) Dollars for each prescription handled, and not more than Fifteen (\$15.00) Dollars for each provision of any of the following services (if provided);

- (A) medical care;
- (B) dental care;
- (C) eye care; or
- (D) other health care related service, including jail nurse visits.

Section 3. A person confined to a county jail is not required to make a co-payment under Section 2 if:

- (A) The person does not have funds in the person's commissary account or trust account at the time the service is provided;
- (B) The person does not have funds in the person's commissary account or trust account within Sixty (60) days after the service is provided;
- (C) The service is provided in an emergency;
- (D) The service is provided as a result of an injury received in the county jail; or
- (E) The service is provided at the request of the Sheriff or Jail Administrator.

Section 4. The Floyd County Sheriff shall:

- (A) Collect the co-payment funds described in Section 2;
- (B) Deposit those funds into a separate account and forward those funds to the Floyd County Auditor on a monthly basis;
- (C) Maintain records of all transactions and make those records available to the Floyd County Auditor upon request.

Section 5. The Floyd County Auditor shall deposit all funds received into the County Medical Care for Inmates Fund.

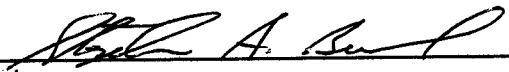
Section 6. The County Medical Care for Inmates Fund shall be used as determined and appropriated by the Floyd County Sheriff.

Section 7. This ordinance shall not become effective until it shall have been advertised pursuant to I.C. 5-3-1 once each week for two consecutive weeks in two newspapers published in Floyd County, Indiana, and further until the ordinance shall have been posted in a conspicuous place within the confines of the Floyd County Jail/Correctional Facility so as to be available for inmate inspection for a continuous period of at least Thirty (30) days.

NOW THEREFORE, BE IT FURTHER ORDERED that all Ordinances of Floyd County, Indiana, which are in conflict with this Ordinance are hereby repealed to the extent of such conflict, and any Ordinance not in conflict with this Ordinance shall remain in full force and effect.

Adopted this 2nd day of October, 2007.

FLOYD COUNTY, INDIANA, by and through
the Board of Commissioners



President



Commissioner



Commissioner

ATTEST:



Teresa A. Plaiss
Floyd County Auditor