

First Extraordinary Session, 2005

HOUSE BILL NO. 127

BY REPRESENTATIVE MARTINY

CORRECTIONS/MEDICAL CARE: Provides for costs of medical care for prisoners

1 AN ACT

2 To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical
3 care of prisoners; to provide for the payment of costs of medical care of prisoners in
4 certain circumstances; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:824(B)(1)(b) is hereby amended and reenacted and R.S. 15:713
7 is hereby enacted to read as follows:

8 §713. Medical expenses of prisoners in extraordinary circumstances

9 A. Notwithstanding any other provision of law to the contrary, whenever
10 circumstances, as provided herein, require a sheriff to transfer inmates to or from a
11 parish prison or jail to a hospital or medical center, the state shall be responsible for
12 and shall reimburse the appropriate authority for medical care incurred to attend such
13 prisoners, including the payment of all costs when hospitalization is required, when
14 all of the following occur:

15 (1) The governor declares by executive order or proclamation pursuant to the
16 provisions of the Louisiana Homeland Security and Emergency Assistance and
17 Disaster Act (R.S. 29:721 et seq.) a disaster or emergency encompassing the parish
18 prison where the inmate was incarcerated.

19 (2) The Board of Supervisors of Louisiana State University and Agricultural
20 and Mechanical College declares that the state hospital operated as part of the

1 Louisiana State University Health Sciences Center, which typically provides the
2 medical care to inmates in that parish, has been rendered inoperable and is unable to
3 provide medical treatment to those inmates.

4 B. The provisions of this Section shall be subject to appropriation by the
5 legislature.

6 * * *

7 §824. Commitment of persons to the Department of Public Safety and Corrections

8 * * *

9 B.(1)

10 * * *

11 (b) In addition, the department shall reimburse ~~only~~ the cost of extraordinary
12 medical expenses incurred in emergency circumstances when the health of the
13 inmate requires the use of the closest services available. The department shall
14 require an inmate to file a claim for reimbursement with any available health or
15 medical insurer in accordance with R.S. 15:831. The department, subject to
16 appropriation by the legislature, shall also reimburse the cost of medical care
17 incurred when the health of the inmate requires hospitalization and all of the
18 following occur:

19 (i) The governor declares by executive order or proclamation pursuant to the
20 provisions of the Louisiana Homeland Security and Emergency Assistance and
21 Disaster Act (R.S. 29:721 et seq.) a disaster or emergency encompassing the parish
22 prison.

23 (ii) The Board of Supervisors of Louisiana State University and Agricultural
24 and Mechanical College declares that the state hospital operated as part of the
25 Louisiana State University Health Sciences Center, which typically provides the
26 medical care to inmates in that parish, has been rendered inoperable and is unable to
27 provide medical treatment to those inmates.

28 * * *

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Martiny

HB No. 127

Abstract: Provides with respect to medical costs of inmates housed in parish facilities, including hospitalization costs.

Present law (R.S. 15:824) provides that an inmate who is not institutionalized in a state corrections facility because of a lack of facilities under the control of the department can be held in a parish jail. Further provides that the Dept. of Public Safety and Corrections (DPS&C) shall reimburse only the cost of extraordinary medical expenses incurred in emergency circumstances when the health of the inmate requires the use of the closest services available.

Proposed law, with regard to parish prisoners, requires the state to be responsible for and reimburse the appropriate authority for costs incurred for medical attention for inmates, including the payment of all costs when hospitalization is required and the following occur:

- (1) The governor declares by executive order or proclamation pursuant to the provisions of the Louisiana Homeland Security and Emergency Assistance and Disaster Act (R.S. 29:721 et seq.) a disaster or emergency encompassing the parish prison.
- (2) The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College declares that the state hospital operated as part of the Louisiana State University Health Sciences Center, which typically provides the medical care to inmates in that parish, has been rendered inoperable and is unable to provide medical treatment to those inmates.

Proposed law under the same two conditions, requires DPS&C, subject to appropriation by the legislature, to reimburse the cost of medical care incurred to the sheriff or governing authority of the parish when a state inmate in parish custody requires hospitalization.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:824(B)(1)(b); Adds R.S. 15:713)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Requires the state to reimburse the appropriate authority for medical care incurred by the parish or sheriff for providing medical care to a parish inmate, including the payment of all costs when hospitalization is required when two specified conditions are met.