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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3857**

02/28/2022

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

- 1.1 A bill for an act
- 1.2 relating to corrections; providing no charge for phone calls for health care by
- 1.3 persons incarcerated in a county jail; amending Minnesota Statutes 2020, section
- 1.4 641.15, subdivision 2.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2020, section 641.15, subdivision 2, is amended to read:
- 1.7 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall
- 1.8 pay the costs of medical services provided to prisoners pursuant to this section. The amount
- 1.9 paid by the county board for a medical service shall not exceed the maximum allowed
- 1.10 medical assistance payment rate for the service, as determined by the commissioner of
- 1.11 human services. In the absence of a health or medical insurance or health plan that has a
- 1.12 contractual obligation with the provider or the prisoner, medical providers shall charge no
- 1.13 higher than the rate negotiated between the county and the provider. In the absence of an
- 1.14 agreement between the county and the provider, the provider may not charge an amount
- 1.15 that exceeds the maximum allowed medical assistance payment rate for the service, as
- 1.16 determined by the commissioner of human services. The county is entitled to reimbursement
- 1.17 from the prisoner for payment of medical bills to the extent that the prisoner to whom the
- 1.18 medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum,
- 1.19 incur co-payment obligations for health care services provided by a county correctional
- 1.20 facility. The county board shall determine the co-payment amount. Notwithstanding any
- 1.21 law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held
- 1.22 by the county, to the extent possible. If there is a disagreement between the county and a
- 1.23 prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant
- 1.24 shall determine the extent, if any, of the prisoner's ability to pay for the medical services.

2.1 If a prisoner is covered by health or medical insurance or other health plan when medical
2.2 services are provided, the medical provider shall bill that health or medical insurance or
2.3 other plan. If the county providing the medical services for a prisoner that has coverage
2.4 under health or medical insurance or other plan, that county has a right of subrogation to
2.5 be reimbursed by the insurance carrier for all sums spent by it for medical services to the
2.6 prisoner that are covered by the policy of insurance or health plan, in accordance with the
2.7 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or
2.8 health plan. The county may maintain an action to enforce this subrogation right. The county
2.9 does not have a right of subrogation against the medical assistance program. The county
2.10 shall not charge prisoners for phone calls to MNsure navigators, the Minnesota Warmline,
2.11 or a current mental health provider or calls for the purpose of providing case management
2.12 or mental health services as defined in section 245.462 to prisoners.