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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. **4364**

03/11/2020

Authored by Backer

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

- 1.1 A bill for an act
- 1.2 relating to corrections; requiring the state to reimburse counties for jail inmate
- 1.3 medical costs; amending Minnesota Statutes 2018, section 641.15, subdivision 2,
- 1.4 by adding a subdivision.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2018, 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.

If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program. A county may apply for reimbursement for the cost of inmate medical services as provided for in subdivision 4a.

Sec. 2. Minnesota Statutes 2018, section 641.15, is amended by adding a subdivision to read:

Subd. 4a. **State reimbursement.** The state shall reimburse counties for the cost of jail inmate medical services incurred pursuant to subdivision 4. A county is entitled to receive an annual payment from the state that covers the total cost of inmate medical services less reimbursements and co-payments the county receives from any source, including inmates, government entities, and health or medical insurers. By August 1 of each year, a county shall certify to the commissioner of corrections the county's unreimbursed jail inmate medical expenses for the preceding fiscal year.