
HOUSE BILL No. 1329

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-5-5.5; IC 36-2-13-18.

Synopsis: Liability for county detainee health care services. Allows a county and a health care provider to enter into a reimbursement agreement for a lower reimbursement rate than the statutory rate for health care services provided to individuals subject to lawful detention. Removes expiration dates of applicable statutes.

Effective: July 1, 2011.

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January 20, 2011, read first time and referred to Committee on Local Government.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1329



A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 11-12-5-5.5, AS ADDED BY P.L.80-2009,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2011]: Sec. 5.5. (a) As used in this section, "charge
- 4 description master" means a listing of the amount charged by a hospital
- 5 for each service, item, and procedure:
- 6 (1) provided by the hospital; and
- 7 (2) for which a separate charge exists.
- 8 (b) As used in this section, "health care services" includes health
- 9 care items and procedures.
- 10 (c) As used in this section, "lawful detention" means the following:
- 11 (1) Arrest.
- 12 (2) Custody following surrender in lieu of arrest.
- 13 (3) Detention in a penal facility.
- 14 (4) Detention for extradition or deportation.
- 15 (5) Custody for purposes incident to any of the above, including
- 16 transportation, medical diagnosis or treatment, court appearances,
- 17 work, or recreation.



1 The term does not include supervision of a person on probation or
2 parole or constraint incidental to release with or without bail.

- 3 (d) This section:
- 4 (1) does not apply in the case of a person who is subject to lawful
- 5 detention by a county sheriff and is:
- 6 (A) covered under private health coverage for health care
- 7 services; or
- 8 (B) willing to pay for the person's own health care services;
- 9 and
- 10 (2) does not affect copayments required under section 5 of this
- 11 chapter.

12 (e) Except as provided in ~~subsection~~ **subsections (f) and (g)**, a
13 county that is responsible for payment for health care services provided
14 to a person who is subject to lawful detention by the county's sheriff
15 shall reimburse:

- 16 (1) a physician licensed under IC 25-22.5;
 - 17 (2) a hospital licensed under IC 16-21-2; or
 - 18 (3) another health care provider;
- 19 for the cost of a health care service at the federal Medicare
20 reimbursement rate for the health care service provided plus four
21 percent (4%).

22 (f) **Except as provided in subsection (g)**, if there is no federal
23 Medicare reimbursement rate for a health care service described in
24 subsection (e), the county shall do the following:

- 25 (1) If the health care service is provided by a hospital, the county
- 26 shall reimburse the hospital an amount equal to sixty-five percent
- 27 (65%) of the amount charged by the hospital according to the
- 28 hospital's charge description master.
- 29 (2) If the health care service is provided by a physician or another
- 30 health care provider, the county shall reimburse the physician or
- 31 health care provider an amount equal to sixty-five percent (65%)
- 32 of the amount charged by the physician or health care provider.

33 ~~(g) This section expires June 30, 2011.~~

34 **(g) A county described in subsection (e) or (f) may reimburse a**
35 **health care provider described in subsection (e)(1), (e)(2), or (e)(3)**
36 **at a lower reimbursement rate than the rate required by subsection**
37 **(e) or (f) if the county enters into an agreement with a health care**
38 **provider described in subsection (e)(1), (e)(2), or (e)(3) to**
39 **reimburse the health care provider for a health care service at the**
40 **lower reimbursement rate.**

41 SECTION 2. IC 36-2-13-18, AS ADDED BY P.L.80-2009,
42 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 JULY 1, 2011]: Sec. 18. (a) As used in this section, "health care
 2 services" includes health care items and procedures.
 3 (b) As used in this section, "lawful detention" means the following:
 4 (1) Arrest.
 5 (2) Custody following surrender in lieu of arrest.
 6 (3) Detention in a penal facility.
 7 (4) Detention for extradition or deportation.
 8 (5) Custody for purposes incident to any of the above, including
 9 transportation, medical diagnosis or treatment, court appearances,
 10 work, or recreation.
 11 The term does not include supervision of a person on probation or
 12 parole or constraint incidental to release with or without bail.
 13 (c) This section does not apply to a person who is subject to lawful
 14 detention and is:
 15 (1) covered under private health coverage for health care services;
 16 or
 17 (2) willing to pay for the person's own health care services.
 18 (d) A sheriff of a county may not release a person subject to lawful
 19 detention solely for the purpose of preventing the county from being
 20 financially responsible under IC 11-12-5 for health care services
 21 provided to the person.
 22 (e) If a county violates subsection (d), the county remains
 23 financially responsible under IC 11-12-5 for health care services
 24 provided to the person released from lawful detention.
 25 (f) A county is financially responsible under IC 11-12-5 for health
 26 care services provided to a person at a hospital if the person was
 27 subject to lawful detention by the sheriff at the time the person entered
 28 onto the hospital's premises.
 29 (g) If a person is subjected to lawful detention after entering onto
 30 the premises of a hospital, the county in which the hospital is located
 31 is financially responsible under IC 11-12-5 for the health care services
 32 provided to the person while the person is subject to lawful detention.
 33 (h) For purposes of this section, if a sheriff brings a person subject
 34 to lawful detention onto the premises of a hospital or subjects a person
 35 to lawful detention after the person enters onto the premises of a
 36 hospital, the sheriff shall remain on the premises of the hospital and
 37 within reasonable proximity to the person while the person receives
 38 health care services at the hospital unless:
 39 (1) the person's medical condition renders the person incapable of
 40 leaving the hospital; and
 41 (2) the person does not pose a threat to hospital personnel or
 42 property or to others at the hospital.

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- 1 (i) This section does not prevent or limit the application of
- 2 IC 11-12-5-5 concerning the making of copayments by a person
- 3 confined to a county jail.
- 4 (j) A county that is responsible for paying the medical care expenses
- 5 of a county jail inmate under IC 11-12-5-6 is responsible for paying the
- 6 medical care expenses of the inmate under this section.
- 7 (k) This section does not supersede a written agreement:
- 8 (1) between:
- 9 (A) a physician, a hospital, or another health care provider;
- 10 and
- 11 (B) a sheriff;
- 12 concerning reimbursement for health care services provided to a
- 13 person subject to lawful detention; and
- 14 (2) entered into or renewed before July 1, 2009.
- 15 ~~(t) This section expires June 30, 2011.~~

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