

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Form #2

Do Not Mark in This Box

FILED

2010 APR 12 AM 11:00

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Regional Jail and Correctional Facility Authority TITLE NUMBER: 94

RULE TYPE: Interpretive CITE AUTHORITY: 31-20-5f

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 9

TITLE OF RULE BEING PROPOSED: Charges Assessed Against Inmates for Services Provided by Regional Jail,
Medical Co-Payment

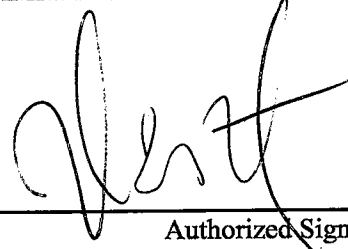
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON May 28, 2010 AT 5:00 pm ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

ATT: Chad M. Cardinal

West Virginia Regional Jail and Correctional Facility
Authority.

1325 Virginia Street East
Charleston, WV 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Charges Assessed Against Inmates for Services Provided by Regional Jail, Medical Co-Payment

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Regional Jail and Correctional Facility Authority

Address: 1325 Virginia Street East
Charleston, WV 25301

Phone Number: 304-558-2110 Email: ccardinal@wvrja.state.wv.us

Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The passage of this rule will reduce the West Virginia Regional Jail and Correctional Facility Authority's budget allocation for inmate medical services. However, the reduction will not be sufficient to impact the jail per diem in a significant way.

Fiscal Note Detail

Show over-all effect in Item 1 and 2 and, in Item 3, give an explanation of Breakdown by fiscal year, including long-range effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs & Alterations			
Assets			
Other			
2. Estimated Total Revenues	0.00	327,000.00	327,000.00

Rule Title: _____

Rule Title: Charges Assessed Against Inmates for Services Provided by Regional Jail,

3. Explanation of above estimates (including long-range effect):

Please include any increase or decrease in fees in your estimated total revenues.

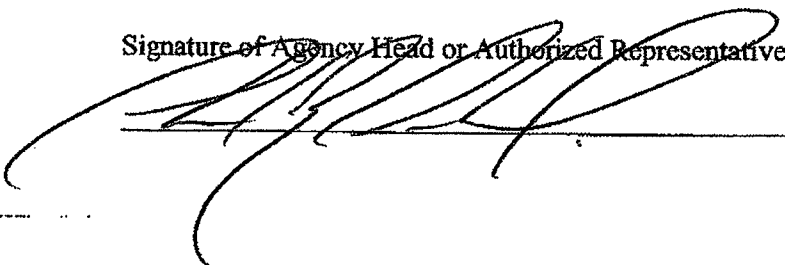
Based on 2009 medical statistics from our medical care contractor and information from our facilities, it was estimated that about 37% of our inmates are considered indigent. On that basis 63% of the population could pay a nominal charge of \$5.00 for medical services. The maximum revenue that this could generate would be approximately \$327,000 per year.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

Date: April 14, 2010

Signature of Agency Head or Authorized Representative



Summary of Proposed Interpretive Rule

Title Number: 94

Series Number: 9

Title of Rule: Charges Assessed Against Inmates for Services Provided by Regional Jail, Medical Co-Payment

Summary:

This interpretive rule is required by West Virginia Code 31-20-5f. The rule provides the basic procedures for implementation of a medical co-payment system for inmate healthcare provided within the West Virginia Regional Jail System.

94 CSR-9

FILED

2010 APR 12 AM 11:02

TITLE 94
INTERPRETIVE RULE
WV REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 9
CHARGES ASSESSED AGAINST INMATES FOR SERVICES PROVIDED BY
REGIONAL JAIL, MEDICAL CO-PAYMENT

94-9-1. General

1.1. Scope. – The purpose of this policy is to enact a program, in compliance with WV Code 31-20-5f, for charging inmates certain services. It shall be the policy of the West Virginia Regional Jail and Correctional Facility Authority to provide medical services to incarcerated individuals in compliance with current West Virginia Law and in such a manner to respect human dignity. It shall be the policy of the West Virginia Regional Jail and Correctional Facility Authority to require a co-payment for certain medical services of a non-emergency nature provided by the Authority or by the contractual health care provider.

Policy Goals B (1) To encourage responsible utilization of Health Services by the inmate population with requesting medical, psychological, dental and optometrical services (2) to enable medical personnel to devote time to essential medical functions, and (3) to minimize frivolous sick call requests.

1.2. Authority. – W.Va. Code 31-20-5f

1.3. Filing Date. – April 12, 2010

1.4. Effective Date. –

94-9-2. Definition.

2.1. Co-payment: The fee paid by the inmate for health care services for assessment of complaint and/or treatment by a licensed health care provider while incarcerated and serving a sentence in a regional jail.

94-9-3. Inmate Notification and Medical Access.

3.1 Each regional jail will inform all inmates prior to implementation of the inmate medical co-payment procedure.

3.2. Written procedures will ensure that inmates have the opportunity to request medical assistance in accordance with West Virginia Regional Jail and Correctional Facility Authority's Policy and Procedures.

3.3. No inmate will be denied necessary medical treatment because of insufficient funds to cover co-payment.

94-9-4. Procedures for Request of Health Care Services.

4.1. Health care services requests are made through established institutional procedures. Each regional jail shall maintain and make available to inmates all procedures and pertinent information regarding access to health care.

4.1.a. The inmate requesting health care services must follow the policies and procedures of the regional jail.

4.1.b. Charges for services will be levied against the inmate's account. In those cases where the inmate has insufficient funds, the inmate's account will be placed in a negative balance. If, in the future, funds are placed in the account, the medical fees will be deducted at that time. Upon transfer to another regional jail or institution or facility, any negative balance will follow the inmate to the receiving institution or facility and shall be collected by that institution. Funds collected for medical services will be periodically redeposited in the Regional Jail's operational account.

4.1.c. Referral to the doctor from the nurse or physicians assistant will not be an additional charge, however, referrals to see the doctor by the inmate

after seeing the nurse or physicians assistant will result in the inmate being charged for the nurse/physicians assistant and doctor visit.

94-9-5. Exempt Areas for Co-Payment.

5.1. **Emergency Services:** Emergency services are those necessary to prevent death, severe or permanent disability, to alleviate or lessen objectively apparent and disabling pain, or an emergency service following a traumatic injury other than a self-induced injury.

5.2. **Diagnosis and Treatment of Communicable Diseases:** Communicable diseases include tuberculosis (TB), the Human Immunodeficiency Virus (HIV) and Acquired Immunodeficiency Syndrome and other communicable diseases as defined by the West Virginia Department of Health.

5.3. **Diagnosis and necessary mental health treatment based on a clinical determination of mental illness.**

5.4. **Follow-up Health Care Services:** Follow-up health care services are defined as any order by a member of health care staff to provide subsequent health care services.

5.5. **Health Care Services Necessary to Comply with West Virginia Law and Regulations:** These health care services include, but are not limited to, the annual inmate TB testing.

5.6. **Initial Inmate Health Screening Evaluations.**

5.7. **Hospice Care.**

5.8. **Chronic Care Clinics:** Patients participating in chronic care clinics after being diagnosed and assigned to a specific chronic care clinic or clinics, e.g. cardiac, hypertensive, diabetic lung. Unexcused missed scheduled chronic care appointments will be chargeable.

5.9. **Excusable Missed Appointment:** No charge will be entered for excused missed appointments due to security reasons such as lock downs, emergency situations, conflicting court appointment, dental, medical, mental health or absence of health care provider.

5.10. Necessary daily medication distribution or "pill pass."

5.11. Necessary daily blood sugar checks or other daily treatment necessary for treatment of a chronic medical condition.

94-9-6. Co-Payment Chargeable Encounters and Items.

6.1. The following Health Services will require payment:

6.1.a. Nurse sick call or visit.

6.1.b. Any non-emergency visit to the health care unit for treatment by a nurse.

6.1.c. Any self-induced injury or illness requiring nurse, doctor or other specialist.

6.1.d. Missed unexcused scheduled appointment, to include doctors call, optometry, x-ray, dental or chronic care clinic.

6.1.e. New complaint presented at chronic care clinic or other appointment, not related to the appointment.

6.1.f. Scheduled non-referred doctor's call.

6.1.g. Scheduled non-referred optometric visit.

6.1.h. Non-emergency / scheduled dental visit.

6.1.i. Prescription fee per prescription excluding chronic care prescriptions for chronic care patients.

94-9-7. Co-Payment for Non-Exempt Services.

7.1. Inmate who receives non-exempt medical services shall be assessed a co-payment fee of five dollars (\$5.00) per non-exempt medical service.

7.2. The charge shall be deducted directly from the inmate's trustee account.

7.3. Each month the inmate shall receive a written accounting of any amounts deducted for medical services.

94-9-8. Inmate Grievance Procedure.

8.1. Inmates may challenge any fee assessed through the Inmate Grievance Procedure identified in 94-CSR-5.