

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

Form #5

Do Not Mark In This Box

FILED

2010 JUL 16 PM 3: 37

OFFICE WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

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

CITE AUTHORITY: 31-20-5f

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES _____ NO X

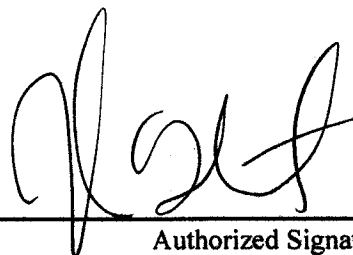
IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

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

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS August ~~July~~ 16th, 2010



Authorized Signature

\$3.20

STATE OF WEST VIRGINIA



WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

JOE MANCHIN III
Governor

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TERRY L. MILLER
Executive Director

MEMORANDUM

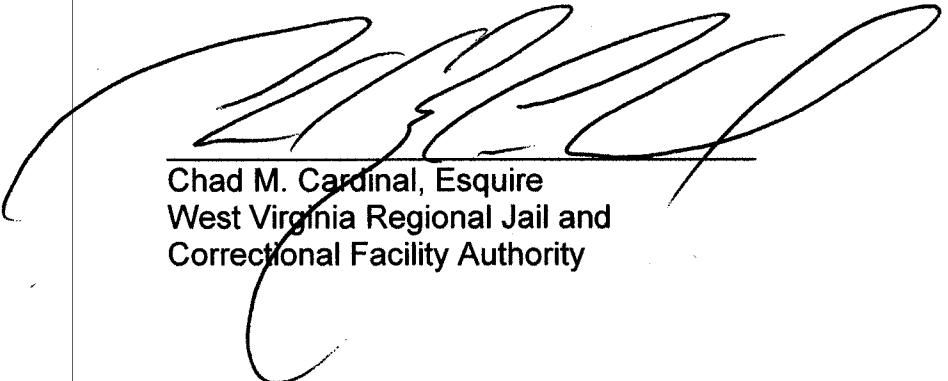
TO: Judy Cooper, Manager-Administrative Law

FROM: Chad M. Cardinal, Esquire

DATE: July 21, 2010

RE: Rule 94 CSR 9

No public comments were received concerning this rule.



Chad M. Cardinal, Esquire
West Virginia Regional Jail and
Correctional Facility Authority

FILED

94 CSR-9

2010 JUL 16 PM 3: 39

TITLE 94
INTERPRETIVE RULE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WV REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

SERIES 9

CHARGES ASSESS 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. – July 16, 2010

1.4. Effective Date. – August 16, 2010

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.