

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

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JUL 2 2 48 PM '98

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WV Division of Corrections TITLE NUMBER: 90
RULE TYPE: Interpretive Rule; CITE AUTHORITY H.B. 4221 W.Va. Code §25-1-8

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 NEW RULE BEING PROPOSED: Series 6

TITLE OF RULE BEING PROPOSED: Charges Assessed Against Inmates for Services
Provided by State - Medical Co-payment

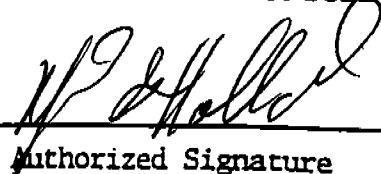
IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 7, 1998 AT 4:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

112 California Avenue

Bldg. 4, Room 300

Charleston, W.Va. 25305

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

\$3.20

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

90CSR6

TITLE 90

SERIES 6

**CHARGES ASSESSED AGAINST INMATES FOR SERVICES PROVIDED BY STATE
-- MEDICAL CO-PAYMENT**

§90-6-1. General.

1.1. Scope -- The purpose of this policy is to enact a program, in compliance with H.B. 4221, for charging inmates for certain services. It shall be the policy of the West Virginia Division of Corrections (WVDOC) 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 WVDOC to require a co-payment for certain medical services of a non-emergency nature provided by the state or by the contractual health care provider.

1.2. Policy Goals -- (1) To encourage responsible utilization of Health Services by the inmate population when 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.

1.3. Authority -- W.Va. Code §25-1-8

1.4. Filing Date -- July 3, 1998

1.5. Effective Date -- August 2, 1998

§90-6-2. 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 state sentence.

§90-6-3. Inmate Notification and Medical Access.

3.1. Each institution 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 the Institution Operating Procedures.

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

§90-6-4. Procedures for Request of Health Care Services.

4.1. Health care services requests are made through established institutional procedures. Each institution 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 facility or institution.

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 WVDOC 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 state appropriated funds under medical line item.

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

§90-6-5. 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 the 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. Reception Center Health Screening and Evaluations.

5.7. Inpatient Services: Inpatient services include hospitalization, extended care, e.g. hospice care, and skilled nursing services.

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 Appointments: 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.

§90-6-6. Co-payment Chargeable Encounters and Items.

90CSR6

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 the 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 doctors 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.
- 6.1.j. Other medical services as defined by the Commissioner or his/her designee.

TITLE 90 SERIES 6

**CHARGES ASSESSED AGAINST INMATES FOR SERVICES PROVIDED BY
STATE -- MEDICAL CO-PAYMENT**

BRIEF SUMMARY

The purpose of this policy is to enact a program for charging inmates for certain medical services, in accordance with House Bill 4221. The goals of this policy are to encourage responsible utilization of health services by the inmate population when requesting medical, psychological, dental, and optometrical services, to enable medical personnel to devote time to essential medical functions, and to minimize frivolous sick call requests.

It shall be the policy of the West Virginia Division of Corrections (WVDOC) to require a co-payment for certain medical services provided by the state or by the contractual health care provider. The amount of such co-payment is to be of a reasonable nature, not to exceed five (5) dollars for each incident. It shall also be the policy of the WVDOC to provide medical services to incarcerated individuals in such a manner to respect human dignity, regardless of the individuals' ability to pay.

FISCAL NOTE WORKSHEET
(Submit 4 copies)HD NO HB 4221 DRAFT NO _____ BILL NO. HB 4221 RESOLUTION NO. _____SUBJECT Inmate Medical Co-Pay FUND _____SOURCE OF REVENUE: ☐ GENERAL FUND ☐ SPECIAL ☐ OTHER (SPECIFY) _____COST ESTIMATE BASED ON: ☐ AN ORIGINAL ESTIMATE ☐ BUDGET BILL ☒ OTHER (SPECIFY) _____INCOME ESTIMATE BASED ON: ☐ AN ORIGINAL ESTIMATE ☐ BUDGET BILL ☒ OTHER (SPECIFY) Inmate Trustee Account

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2. AND IN ITEM 3 GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$	\$	\$	\$	\$
PERSONAL SERVICES	\$	\$	\$	\$	\$
CURRENT EXPENSES					
REPAIRS AND ALTERATIONS					
EQUIPMENT					
OTHER					
2. ESTIMATED TOTAL REVENUES	\$	\$	\$	\$ *	\$ *

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

- * Based on annual medical statistics from our facilities, if 50% of the inmates could pay the nominal charges, the revenue would equal approximately \$115,000 annually. If 70% of the inmates could pay the nominal charges, the annual revenue would be approximately \$160,000.

These are very preliminary estimates. The bill is necessary not only to place responsibility on the inmates for part of their incarceration, but also to decrease the numerous visits for medical calls which eventually will lead to a decrease in our contract costs.

DATE

2/18/98

AGENCY

WV Division of Corrections

AUTHORIZED REPRESENTATIVE

Nancy Leonoro Swecker