

WEST VIRGINIA
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #5

Do Not Mark In this Box

1999 FEB 13
FEB 4 2 17 PM '99
OFFICE OF THE SECRETARY OF STATE
WEST VIRGINIA

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

AGENCY: WV Division of Corrections TITLE NUMBER: 90

CITE AUTHORITY: HB 4221 WV Code 25-1-8

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 NEW RULE BEING ADOPTED: Series 6

TITLE OF RULE BEING ADOPTED: Title 90, Series 6: Charges Assessed
Against Inmates for Services Provided by State Medical Co-Payment

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 8, 1999

\$3.00

90-CSR6

TITLE 90

SERIES 6

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

OFFICE OF THE SECRETARY OF STATE
STATE OF VIRGINIA

FEB 4 2 11 PM '99

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 Operation 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 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.

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

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.

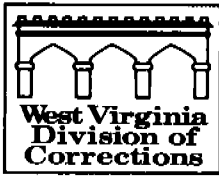
6.1.f. Scheduled non-referred doctors call.

6.1.g. Scheduled non-referred optometric visit.

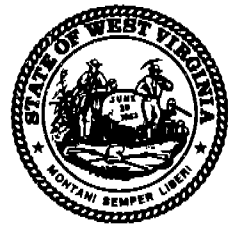
6.1.h. Non-emergency/scheduled dental visit.

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.



STATE OF WEST VIRGINIA
DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY
DIVISION OF CORRECTIONS



CECIL H. UNDERWOOD
GOVERNOR

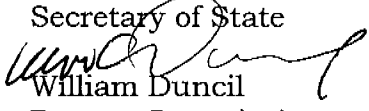
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MEMORANDUM

TO: The Honorable Ken Heckler
Secretary of State

FROM: 
William Duncil
Deputy Commissioner of Institutional Operations

DATE: February 4, 1999

RE: Interpretive Rule – Title 90 – Series 6
CHARGES AGAINST INMATES FOR SERVICES PROVIDED BY
STATE MEDICAL CO-PAYMENT

Enclosed is Notice of Agency Adoption of Interpretive Rule on Charges Against Inmates for Services Provided by State Medical Co-Payment and a disk.

Please be advised there were no written comments on Interpretive Rule, Title 90, Series 6, which was filed July 2, 1998.

WD:wf/dal

Enclosure