

SECOND REGULAR SESSION

# HOUSE BILL NO. 1540

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DIXON (Sponsor), MYERS AND ICET (Co-sponsors).

Read 1<sup>st</sup> time February 19, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4342L.011

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### AN ACT

To repeal section 217.230, RSMo, and to enact in lieu thereof one new section relating to offender health care.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 217.230, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 217.230, to read as follows:

217.230. 1. The director shall arrange for necessary health care services for offenders confined in correctional centers.

2. **Except as provided for in subsections 3 and 5 of this section, any offender, while in confinement, who at his or her own request, receives nonemergency medical, dental, or optometric services, shall pay a three dollar fee to the department of corrections.**

3. **Any offender who is determined by the director to have intentionally caused injury to himself or herself and who receives emergency medical care for such injury shall be responsible for the entire cost of such emergency medical care.**

4. **The three dollar fee charged pursuant to subsection 2 of this section or the total emergency medical care costs charged pursuant to subsection 3 of this section shall be deducted from the offender's institutional account. If the balance in the offender's institutional account is insufficient to cover the fees or total emergency medical care costs, then thereafter fifty percent of each deposit to the offender's institutional account shall be applied toward the balance owed until the total amount owed is paid or the offender is released from confinement, whichever first occurs.**

5. **The department shall not charge the offender the three dollar fee in the following situations:**

(1) **If the care provided was in response to a life-threatening or emergency**

- 19 **situation, not intentionally caused by the offender, which affects the offender's health;**  
20 **(2) If the care provided was initiated by the department;**  
21 **(3) If the care provided was initiated by the health care provider;**  
22 **(4) If the care provided consisted of a routine follow-up or prenatal care, or chronic**  
23 **care;**  
24 **(5) If the offender is pregnant;**  
25 **(6) If the offender is seriously mentally ill or developmentally disabled. For**  
26 **purposes of this subdivision, seriously mentally ill or developmentally disabled means an**  
27 **offender who, as a result of a mental disorder or developmental disability, exhibits**  
28 **emotional or behavioral functioning that is so impaired as to interfere substantially with**  
29 **the offender's capacity to remain in the general prison population without supportive**  
30 **treatment or services of a long-term or indefinite duration, as determined by the facility's**  
31 **psychiatrist or psychologist;**  
32 **(7) If the offender is developmentally disabled and housed in a special programs**  
33 **unit; or**  
34 **(8) If the offender is undergoing follow-up medical treatment for a chronic disease.**  
35 **6. The department shall adopt policies to ensure that before an offender initiates**  
36 **a visit to a health care provider, the offender is informed that a three dollar fee will be**  
37 **deducted from the offender's institutional account pursuant to subsection 2 of this section.**  
38 **7. The department shall not deny any offender access to health care as a result of**  
39 **the offender's failure or inability to pay the fees required pursuant to subsection 2 of this**  
40 **section or the total emergency medical care costs required pursuant to subsection 3 of this**  
41 **section.**  
42 **8. All moneys collected by the department pursuant to this section shall be used**  
43 **only to pay the cost of administration of this section or to pay for health care for**  
44 **incarcerated offenders.**