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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998



ENROLLED

Com. Sub. for House Bill No. 4221

(By Delegates Cann, Kominar, Coleman,
Michael, Martin, Pino and Border)



Passed March 11, 1998

In Effect Ninety Days from Passage

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COMMITTEE SUBSTITUTE

FOR

H. B. 4221

(BY DELEGATES CANN, KOMINAR, COLEMAN,
MICHAEL, MARTIN, PINO AND BORDER)

[Passed March 11, 1998; in effect ninety days from passage.]

AN ACT to amend article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eight, relating to authorizing the commissioner of the division of corrections to assess inmates in state penal and correctional facilities reasonable charges for health care and treatment services provided to them by the state.

Be it enacted by the Legislature of West Virginia:

That article one, chapter twenty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eight, to read as follows:

ARTICLE 1. ORGANIZATION AND INSTITUTIONS.

§25-1-8. Charges assessed against inmates for services provided by state.

- 1 (a) The commissioner is authorized to assess inmates
- 2 serving a sentence in any state penal or correctional
- 3 facility reasonable charges for health care and treatment

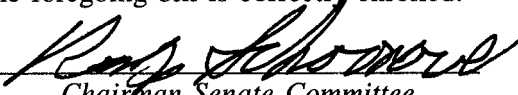
4 services provided to them by the state. The charges
5 assessed against an inmate may be deducted directly from
6 the inmate's trustee account without the inmate's consent.
7 The inmate shall be notified of the amount deducted and
8 the charges to which it has been applied.

9 (b) As used in this section, a "reasonable charge"
10 may not exceed the sum of five dollars for any billable
11 service. Inmates shall be notified of the fee schedule,
12 billable services, and exempt services. Services initiated by
13 the inmate shall be assessed a fee, except that no charge
14 may be assessed for: (1) A specific health care service
15 required under the law of this state, including, by way of
16 illustration, tuberculin testing; (2) an emergency service
17 following a traumatic injury other than a self-induced
18 injury, or necessary to prevent death or severe or
19 permanent disability; (3) diagnosis and treatment of
20 communicable diseases, including, by way of illustration,
21 tuberculosis or hepatitis; (4) treatment of diagnosed
22 severe mental illness; (5) treatment of specific chronic
23 conditions identified by the commissioner, including heart
24 disease and diabetes; (6) staff-initiated care, including
25 follow-up and referral visits; (7) preventive services that
26 the commissioner determines are to be provided or made
27 available to all inmates, including services related to
28 disease prevention and promotion of proper health habits;
29 or (8) such other services as may be exempted by rule of
30 the commissioner. No inmate may be denied any
31 necessary billable medical service because of inability to
32 pay the charge.

33 (c) Each inmate shall be afforded an opportunity at
34 least quarterly to review all deposits into, withdrawals from
35 and balance remaining in the inmate's trustee account
36 during the preceding three months.

37 (d) The commissioner shall promulgate interpretive
38 rules implementing this section pursuant to article three,
39 chapter twenty-nine-a of this code prior to making any
40 assessment under this section. The rules may establish the
41 fee schedule and list of billable services and further define
42 services to be exempted.

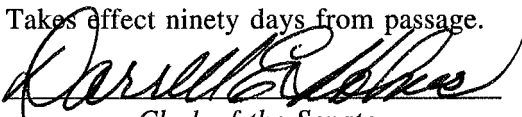
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

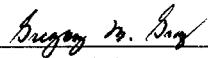

Chairman Senate Committee



Chairman House Committee

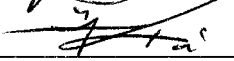
Originating in the House.

Takes effect ninety days from passage.

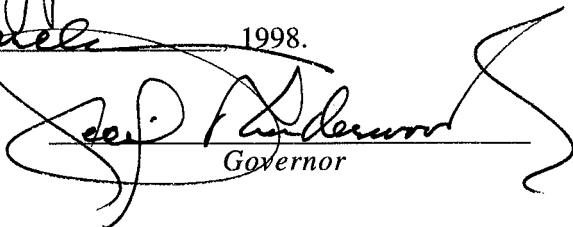

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 27th
day of March 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/98

Time 3:00 pm