WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

Com. Sub. for
House Bill No. 4221

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

Passed March 11, 1998

In Effect Ninety Days from Passage
ENROLLED
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 serving a sentence in any state penal or correctional facility reasonable charges for health care and treatment services provided by state.
services provided to them by the state. The charges assessed against an inmate may be deducted directly from the inmate’s trustee account without the inmate’s consent. The inmate shall be notified of the amount deducted and the charges to which it has been applied.

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

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

(d) The commissioner shall promulgate interpretive rules implementing this section pursuant to article three, chapter twenty-nine-a of this code prior to making any assessment under this section. The rules may establish the fee schedule and list of billable services and further define services to be exempted.
3 [Enr. Com. Sub. for H. B. 4221]

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

_Roger Schoonmaker_  
Chairman Senate Committee

_Nick Fantasini_  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

_Dale E. Folmer_  
Clerk of the Senate

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Clerk of the House of Delegates

__Earl Ray Tomblin__  
President of the Senate

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Speaker of the House of Delegates

The within approved this the 27th day of _March_, 1998.

_Gary D. Johnson_  
Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/98
Time 3:00 pm