ENROLLED

House Bill No. 2404

(By Delegates Perry, Boggs, Morgan and Ellem)

Passed April 8, 2009

In Effect Ninety Days from Passage
AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-20-5f, relating to inmate reimbursement to the authority for medical services provided to persons held in regional jails; providing exceptions for reimbursement for medical services; and providing authority for rulemaking.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §31-20-5f, to read as follows:

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY.

§31-20-5f. Charges assessed against inmates for services provided by the authority.
(a) The executive director is authorized to assess inmates serving a sentence in any regional jail reasonable charges for health care and treatment services provided to them by the authority. 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 $5 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;
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;
4. Treatment of diagnosed severe mental illness;
5. Treatment of specific chronic conditions identified by the executive director;
6. Staff-initiated care, including follow-up and referral visits;
7. Preventative services that the executive director 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) Other services as may be exempted by the rule of the authority.

No inmate may be denied any necessary billable medical service because of the 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 executive director 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.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In 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 is approved this the 20th day of April, 2009.

Governor
PRESENTED TO THE GOVERNOR

APR 16 2009

Time 2:15 pm