

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 246

Introduced by Larson, 40.

Read first time January 16, 2013

Committee: Judiciary

A BILL

1 FOR AN ACT relating to correctional health care; to amend sections
2 47-701 and 47-704, Reissue Revised Statutes of Nebraska,
3 and section 83-1,135, Revised Statutes Cumulative
4 Supplement, 2012; to provide for a copayment; to provide
5 exemptions; to harmonize provisions; and to repeal the
6 original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-701, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 47-701 (1) Notwithstanding any other provision of law,
4 sections 47-701 to 47-705 and section 3 of this act shall govern
5 responsibility for payment of the costs of medical services for any
6 person ill, wounded, injured, or otherwise in need of such services
7 at the time such person is arrested, detained, taken into custody, or
8 incarcerated.

9 (2) For purposes of sections 47-701 to 47-705 and section
10 3 of this act, the term medical services includes medical and
11 surgical care and treatment, hospitalization, transportation,
12 medications and prescriptions, and other associated items.

13 Sec. 2. Section 47-704, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 47-704 The costs of routine medical services provided in
16 the ordinary course of the duties of regular staff of a jail, prison,
17 or other similar holding or detention facility shall not be
18 considered reimbursable under sections 47-701 to 47-705 and section 3
19 of this act.

20 Sec. 3. (1) Except as otherwise provided in this section,
21 for each nonemergency visit to a health care provider by a jail
22 inmate which is initiated by such inmate, he or she shall make a
23 copayment of not less than ten dollars. The copayment shall be
24 deducted from any existing balance in such inmate's personal account.
25 If the account balance is insufficient to cover the copayment, fifty

1 percent of each deposit to the account shall be withheld until the
2 copayment has been paid in full. The proceeds of each copayment shall
3 be credited to the general fund of the county.

4 (2) A copayment shall not be charged for:

5 (a) Emergency care of any kind, including, but not
6 limited to, injuries or wounds suffered during the course of
7 apprehension or arrest;

8 (b) Any required initial medical history and any initial
9 physical examination and mental evaluation of the inmate;

10 (c) Health care provided in connection with an
11 extraordinary event that could not reasonably be foreseen, including,
12 but not limited to, a disturbance or a natural disaster;

13 (d) Care for diagnosis and treatment of infectious or
14 contagious disease, including, but not limited to, a facility-wide
15 health care measure necessary to address the spread of specific
16 infectious or contagious diseases;

17 (e) Health care provided under an agreement with another
18 jurisdiction which precludes assessing such copayment;

19 (f) Staff-initiated care, including followup and referral
20 visits;

21 (g) Mental health care, including substance abuse and
22 addiction treatment; and

23 (h) Care for chronic illness.

24 (3)(a) An inmate shall not be denied access to health
25 care as a result of not paying any copayment pursuant to this

1 section.

2 (b) An inmate shall not be given preferential access to
3 health care as a result of paying any copayment pursuant to this
4 section.

5 Sec. 4. (1) Except as otherwise provided in this section,
6 for each nonemergency visit to a health care provider by a committed
7 offender which is initiated by such committed offender, he or she
8 shall make a copayment of not less than ten dollars. The copayment
9 shall be deducted from any existing balance in the committed
10 offender's personal account. If the account balance is insufficient
11 to cover the copayment, fifty percent of each deposit to the account
12 shall be withheld until the copayment has been paid in full. The
13 proceeds of each copayment shall be remitted to the State Treasurer
14 for credit to the General Fund.

15 (2) A copayment shall not be charged for:

16 (a) Emergency care of any kind;

17 (b) Any required initial medical history and any initial
18 physical examination and mental evaluation of the committed offender;

19 (c) Health care provided in connection with an
20 extraordinary event that could not reasonably be foreseen, including,
21 but not limited to, a disturbance or a natural disaster;

22 (d) Care for diagnosis and treatment of infectious or
23 contagious disease, including, but not limited to, a health care
24 measure necessary to address the spread of specific infectious or
25 contagious diseases;

1 (e) Health care provided under a contractual obligation
2 that is established under the Interstate Corrections Compact or under
3 an agreement with another jurisdiction which precludes assessing such
4 copayment;

5 (f) Staff-initiated care, including followup and referral
6 visits;

7 (g) Mental health care, including substance abuse and
8 addiction treatment; and

9 (h) Care for chronic illness.

10 (3)(a) A committed offender shall not be denied access to
11 health care as a result of not paying any copayment pursuant to this
12 section.

13 (b) A committed offender shall not be given preferential
14 access to health care as a result of paying any copayment pursuant to
15 this section.

16 Sec. 5. Section 83-1,135, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 83-1,135 Sections 83-170 to 83-1,135 and section 4 of
19 this act shall be known and may be cited as the Nebraska Treatment
20 and Corrections Act.

21 Sec. 6. Original sections 47-701 and 47-704, Reissue
22 Revised Statutes of Nebraska, and section 83-1,135, Revised Statutes
23 Cumulative Supplement, 2012, are repealed.