First Extraordinary Session, 2005 HOUSE BILL NO. 127

## BY REPRESENTATIVE MARTINY

## CORRECTIONS/MEDICAL CARE: Provides for costs of medical care for prisoners

1	AN ACT
2	To amend and reenact R.S. 15:824(B)(1)(b) and to enact R.S. 15:713, relative to medical
3	care of prisoners; to provide for the payment of costs of medical care of prisoners in
4	certain circumstances; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 15:824(B)(1)(b) is hereby amended and reenacted and R.S. 15:713
7	is hereby enacted to read as follows:
8	§713. Medical expenses of prisoners in extraordinary circumstances
9	A. Notwithstanding any other provision of law to the contrary, the state shall
10	reimburse the sheriff of each parish for the cost of medical care incurred when the
11	health of the inmate requires hospitalization and all of the following occur:
12	(1) The governor declares by executive order or proclamation pursuant to the
13	provisions of the Louisiana Homeland Security and Emergency Assistance and
14	Disaster Act (R.S. 29:721 et seq.) a disaster or emergency encompassing the parish
15	prison.
16	(2) The Board of Supervisors of Louisiana State University and Agricultural
17	and Mechanical College declares that the state hospital operated as part of the
18	Louisiana State University Health Sciences Center, which typically provides the
19	medical care to inmates in that parish, has been rendered inoperable and is unable to
20	provide medical treatment to those inmates.

## Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	B. The provisions of this Section shall be subject to appropriation by the
2	legislature.
3	* * *
4	§824. Commitment of persons to the Department of Public Safety and Corrections
5	* * *
6	B.(1)
7	* * *
8	(b) In addition, the department shall reimburse only the cost of extraordinary
9	medical expenses incurred in emergency circumstances when the health of the
10	inmate requires the use of the closest services available. The department shall
11	require an inmate to file a claim for reimbursement with any available health or
12	medical insurer in accordance with R.S. 15:831. The department, subject to
13	appropriation by the legislature, shall also reimburse the cost of medical care
14	incurred when the health of the inmate requires hospitalization and all of the
15	following occur:
16	(i) The governor declares by executive order or proclamation pursuant to the
17	provisions of the Louisiana Homeland Security and Emergency Assistance and
18	Disaster Act (R.S. 29:721 et seq.) a disaster or emergency encompassing the parish
19	prison.
20	(ii) The Board of Supervisors of Louisiana State University and Agricultural
21	and Mechanical College declares that the state hospital operated as part of the
22	Louisiana State University Health Sciences Center which typically provides the
23	medical care to inmates in that parish has been rendered inoperable and is unable to
24	provide medical treatment to those inmates.
25	* * *
26	Section 2. This Act shall become effective upon signature by the governor or, if not
27	signed by the governor, upon expiration of the time for bills to become law without signature
28	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

- 1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
- 2 effective on the day following such approval.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

Martiny

HB No. 127

**Abstract:** Provides with respect to hospitalization costs of prisoners.

<u>Present law</u> (R.S. 15:824) provides that an inmate who is not institutionalized in a state corrections facility because of a lack of facilities under the control of the department can be held in a parish jail. Further provides that the Dept. of Public Safety and Corrections shall reimburse only the cost of extraordinary medical expenses incurred in emergency circumstances when the health of the inmate requires the use of the closest services available.

<u>Proposed law</u>, with regard to inmates under the control of the department and parish prisoners, provides that the department shall reimburse the cost of medical care incurred when the health of the inmate requires hospitalization and the following occur:

- (1) The governor declares by executive order or proclamation pursuant to the provisions of the Louisiana Homeland Security and Emergency Assistance and Disaster Act (R.S. 29:721 et seq.) a disaster or emergency encompassing the parish prison.
- (2) The Board of Supervisors of Louisiana State University and Agricultural and Mechanical College declares that the state hospital operated as part of the Louisiana State University Health Sciences Center, which typically provides the medical care to inmates in that parish, has been rendered inoperable and is unable to provide medical treatment to those inmates.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 15:824(B)(1)(b); Adds R.S. 15:713)