

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 321
Health Care Committee Substitute Adopted 5/8/13
Third Edition Engrossed 5/9/13
House Committee Substitute Favorable 6/5/13
PROPOSED HOUSE COMMITTEE SUBSTITUTE S321-PCS75363-TG-62

Short Title: Counties' Inmate Med. Costs/Dist.Ct.Vacancies.

(Public)

Sponsors:

Referred to:

March 14, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL
3 PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED
4 TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID
5 FOR ELIGIBLE PRISONERS, AND TO PROVIDE THAT VACANCIES IN THE
6 OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF
7 THE GOVERNOR.

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** Article 10 of Chapter 153A of the General Statutes is amended by
10 adding a new section to read:

11 "**§ 153A-225.2. Payment of medical care of prisoners.**

12 (a) Counties shall reimburse those providers and facilities providing requested or
13 emergency medical care outside of the local confinement facility to prisoners or other persons
14 under arrest by, or in the lawful custody of, county law enforcement officers the lesser amount
15 of either a rate of seventy percent (70%) of the provider's then-current prevailing charge or two
16 times the then-current Medicaid rate for any given service. Each county shall have the right to
17 audit any provider from whom the county has received a bill for services under this section, but
18 only to the extent necessary to determine the actual prevailing charge to ensure compliance
19 with this section.

20 For the purposes of this section, "requested or emergency medical care" shall include all
21 medically necessary and appropriate care provided to an individual from the time that
22 individual presents to the provider or facility in the custody of county law enforcement officers
23 until the time that the individual is safely transferred back to the care of county law
24 enforcement officers or medically discharged to another community setting, as appropriate.

25 Nothing in this section shall preclude a county from contracting with a provider for services
26 at rates that provide greater documentable cost avoidance for the county than do the rates
27 contained in this subsection or at rates that are less favorable to the county but that will ensure
28 the continued access to care.

29 (b) No county may avoid liability for payment of medical care by discharging or
30 otherwise releasing a prisoner or other person under arrest or in lawful custody of county law
31 enforcement officers for the purposes of avoiding liability for payment of medical care for
32 which the county is otherwise responsible.



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1 (c) The county shall make reasonable efforts to equitably distribute prisoners among all
2 hospitals or other appropriate health care facilities located within the same county and shall do
3 so based upon the licensed acute care bed capacity at each of the hospitals located within the
4 same county. Counties with more than one hospital or other appropriate health care facility
5 shall provide semiannual reports conspicuously posted on the county's Web site that detail
6 compliance with this section, including information on the distribution of prisoner health care
7 services among different hospitals and health care facilities."

8 **SECTION 2.** G.S. 153A-225(a) reads as rewritten:

9 "(a) Each unit that operates a local confinement facility shall develop a plan for
10 providing medical care for prisoners in the facility. ~~The plan~~ plan:

- 11 (1) Shall be designed to protect the health and welfare of the prisoners and to
12 avoid the spread of contagious disease;
- 13 (2) Shall provide for medical supervision of prisoners and emergency medical
14 care for prisoners to the extent necessary for their health and welfare;
- 15 (3) Shall provide for the detection, examination and treatment of prisoners who
16 are infected with tuberculosis or venereal ~~diseases~~ diseases; and
- 17 (4) May utilize Medicaid coverage for inpatient hospitalization or for any other
18 Medicaid services allowable for eligible prisoners, provided that the plan
19 includes a reimbursement process which pays to the State the State portion
20 of the costs, including the costs of the services provided and any
21 administrative costs directly related to the services to be reimbursed, to the
22 State's Medicaid program.

23 The unit shall develop the plan in consultation with appropriate local officials and
24 organizations, including the sheriff, the county physician, the local or district health director,
25 and the local medical society. The plan must be approved by the local or district health director
26 after consultation with the area mental health, developmental disabilities, and substance abuse
27 authority, if it is adequate to protect the health and welfare of the prisoners. Upon a
28 determination that the plan is adequate to protect the health and welfare of the prisoners, the
29 plan must be adopted by the governing body.

30 As a part of its plan, each unit may establish fees of not more than twenty dollars (\$20.00)
31 per incident for the provision of nonemergency medical care to prisoners. In establishing fees
32 pursuant to this section, each unit shall establish a procedure for waiving fees for indigent
33 prisoners."

34 **SECTION 3.** In preparation for the July 1, 2014, effective date of Section 2 of this
35 act, the Department of Health and Human Services, Division of Medical Assistance, shall work
36 with the North Carolina Association of County Commissioners to prepare for the change to
37 G.S. 153A-225(a)(4) contained in Section 2 of this act. The Department of Health and Human
38 Services, Division of Medical Assistance, shall use a uniform method, developed by the North
39 Carolina Association of County Commissioners, which will allow all counties to interface with
40 the Division of Medical Assistance to implement this act. The Department of Public Safety
41 shall provide technical assistance as needed.

42 **SECTION 4.** G.S. 7A-142 reads as rewritten:

43 "**§ 7A-142. Vacancies in office.**

44 A vacancy in the office of district judge shall be filled for the unexpired term by
45 appointment of the ~~Governor~~ Governor. The Governor may select from nominations submitted
46 by the bar of the judicial district as defined in G.S. 84-19, except that in judicial District 9,
47 when vacancies occur in District Court District 9 or 9B, only those members who reside in the
48 district court district shall participate in the selection of the nominees. When vacancies occur in
49 District Court District 18, all members who reside in the district court district shall participate
50 in the selection of the nominees. If the district court district is comprised of counties in more
51 than one judicial district, the nominees shall be submitted jointly by the bars of those judicial

1 districts, but only those members who reside in the district court district shall participate in the
2 selection of the nominees. If the district court judge was elected as the nominee of a political
3 party, then the district bar shall submit to the Governor the names of three persons who are
4 residents of the district court district who are duly authorized to practice law in the district and
5 who are members of the same political party as the vacating judge; provided that if there are
6 not three persons who are available, the bar shall submit the names of two persons who meet
7 the qualifications of this sentence. If the district court judge was not elected as the nominee of a
8 political party, then the district bar shall submit to the Governor the names of three persons
9 who are residents of the district court district and who are duly authorized to practice law in the
10 district; provided that if there are not three persons who are available, the bar shall submit the
11 names of two persons who meet the qualifications of this sentence. The bar of the judicial
12 district shall have 30 days to submit nominations to the Governor. ~~Within 60 days after the~~
13 ~~district bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy. If~~
14 ~~the Governor fails to appoint a district bar nominee within 60 days, then the district bar~~
15 ~~nominee who received the highest number of votes from the district bar shall fill the vacancy. If~~
16 ~~the district bar fails to submit nominations within 30 days from the date the vacancy occurs, the~~
17 ~~Governor may appoint to fill the vacancy without waiting for nominations."~~

18 **SECTION 5.** Sections 1 and 3 of this act become effective September 1, 2013.
19 Section 2 of this act becomes effective July 1, 2014. The remainder of this act is effective when
20 it becomes law.