

House Bill 1264

By: Representatives Pruett of the 144th, Horne of the 71st, Barnard of the 166th, Cox of the 102nd, Martin of the 47th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the
2 Department of Juvenile Justice, so as to authorize the Department of Juvenile Justice to
3 collect individual medical insurance reimbursement for a juvenile in the custody of the
4 department who is covered by medical insurance or other benefits; to provide for related
5 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department
9 of Juvenile Justice, is amended by adding a new Code section to read as follows:

10 "49-4A-15.

11 (a) As used in this Code section, the term:

12 (1) 'Covered' means a juvenile who is insured under existing individual or family health
13 insurance, group health insurance, or prepaid medical care coverage or is eligible for
14 benefits under any federal or state medical care benefits program.

15 (2) 'Custodian' means a parent or legal guardian or other person who stands in loco
16 parentis to the juvenile or a person to whom legal custody of the juvenile has been given
17 by order of a court or a public or private agency or other private organization licensed or
18 otherwise authorized by law to receive and provide care for a child to which legal custody
19 of the child has been given by order of a court.

20 (3) 'Juvenile' means a delinquent or unruly child who is under the age of 18 and detained
21 in a juvenile detention facility by reason of being directed by a court or other local public
22 authority for an act of delinquency, the commission of a crime, or other reason.

23 (4) 'Juvenile detention facility' means a detention facility controlled or operated by the
24 department which maintains custody of juveniles, including institutions, youth detention
25 centers, camps, or other detention facilities used for the detention of juveniles.

26 (5) 'Medical care' means medical, dental, mental health, and optometry treatment,
27 including physical or mental health therapy, prescribed medicine, professional services,
28 and prosthetics, and all necessary and associated services incidental to treatment such as
29 transportation, hospitalization, and security.

30 (6) 'Officer in charge' means the superintendent or other person, or his or her designee,
31 having executive supervision of any juvenile detention facility.

32 (b) The officer in charge may obtain or require a juvenile or his or her custodian or any
33 state or local agency to furnish the following information:

34 (1) The existence of any medical care insurance, group health plan, prepaid medical care
35 coverage, or state or federal medical care benefit program under which the juvenile is
36 covered;

37 (2) The eligibility for benefits to which the juvenile is entitled;

38 (3) The name and address of the third-party payor; and

39 (4) The policy or other identifying number.

40 (c) The officer in charge shall provide a sick, injured, or disabled juvenile access to
41 medical care and may arrange for the juvenile's medical care insurance carrier or benefits
42 program to pay the medical care provider for the medical care rendered. Any medical care
43 insurance or benefits program covering a juvenile shall reimburse the department as
44 requested by the officer in charge for any payments made by the department on behalf of
45 a juvenile which were covered by insurance, a benefit program, or other medical care
46 coverage. The Department of Juvenile Justice shall be subrogated to the rights of a
47 juvenile to recover an amount not to exceed the costs to the department for providing
48 medical care to such juvenile.

49 (d) The liability for payment for medical care described under this Code section shall not
50 be construed as requiring payment by any person or entity, except by a juvenile personally,
51 by his or her lawful custodian, or by such insurance carrier or coverage program providing
52 coverage or benefits for the juvenile or at the direction of the Department of Community
53 Health or other agency administering such coverage benefits.

54 (e) Nothing in this Code section shall be construed to relieve the governing authority,
55 governmental unit, subdivision, or agency having the physical custody of a juvenile from
56 its responsibility to pay for any medical care rendered to such juvenile."

57 **SECTION 2.**

58 This Act shall become effective on July 1, 2010.

59 **SECTION 3.**

60 All laws and parts of laws in conflict with this Act are repealed.