

House Bill 1291

By: Representatives Horne of the 71st and Pruett of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions,
2 so as to clarify the types of individual medical insurance coverage which may reimburse jails
3 for medical expenses; to authorize the state to collect individual medical insurance funds if
4 an inmate has medical insurance coverage; to provide for related matters; to provide an
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended
9 by revising paragraph (4) of Code Section 42-4-50, relating to definitions relative to medical
10 services of inmates in jails, as follows:

11 "(4) 'Medical care' ~~includes~~ means medical attention, dental care, mental health care,
12 optometry care, physical or mental health therapy, and prescribed medicine and
13 prosthesis and necessary and associated medical, dental, mental health treatment, or
14 optometry costs such as transportation, hospitalization, guards, room, and board."

15 **SECTION 2.**

16 Said title is further amended by revising Code Section 42-5-54, relating to information from
17 inmates relating to medical insurance, as follows:

18 "42-5-54.

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

20 (1) 'Detention facility' means a state, county, or private prison, correctional institution,
21 workcamp, or other ~~county detention~~ facility used for the detention of persons convicted
22 of a felony or a misdemeanor.

23 (2) 'Inmate' means a person who is detained in a detention facility by reason of being
24 convicted of a felony or a misdemeanor and who is insured under existing individual
25 health insurance, group health insurance, or prepaid medical care coverage or is eligible

26 for benefits under Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act
 27 of 1977.' ~~Such term does not include any sentenced inmate who is the responsibility of~~
 28 ~~the Department of Corrections.~~

29 (3) 'Medical care' means medical, dental, mental health, and optometry treatment,
 30 including physical or mental health therapy, prescribed medicine, professional services,
 31 and prosthesis, and all necessary and associated services incidental to treatment such as
 32 transportation, hospitalization, and security.

33 ~~(3)~~(4) 'Officer in charge' means the warden, captain, or superintendent or other person
 34 having the supervision of any detention facility.

35 (b) The officer in charge or his or her designee may require an inmate to furnish the
 36 following information:

37 (1) The existence of any ~~health~~ medical care insurance, group health plan, or prepaid
 38 medical care coverage under which the inmate is insured;

39 (2) The eligibility for benefits to which the inmate is entitled under Article 7 of Chapter
 40 4 of Title 49, the 'Georgia Medical Assistance Act of 1977';

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

42 (4) The policy or other identifying number.

43 (c) The officer in charge ~~will~~ shall provide a sick, injured, or disabled inmate access to
 44 medical ~~services~~ care and may arrange for the inmate's health insurance carrier to pay the
 45 health care provider for the medical ~~services~~ care rendered.

46 (d) The liability for payment for medical care described under ~~subsection~~ subsections (b)
 47 and (c) of this Code section ~~may~~ shall not be construed as requiring payment by any person
 48 or entity, except by an inmate personally or by his or her carrier through coverage or
 49 benefits described under paragraph (1) of subsection (b) of this Code section or by or at the
 50 direction of the Department of Community Health pursuant to paragraph (2) of such
 51 subsection.

52 (e) Nothing in this Code section shall be construed to relieve the governing authority,
 53 governmental unit, subdivision, or agency having the physical custody of an inmate from
 54 its responsibility to pay for any medical and hospital care rendered to such inmate
 55 regardless of whether such individual has been convicted of a crime."

56 **SECTION 3.**

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

58 **SECTION 5.**

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