

The House Committee on Insurance offers the following substitute to HB 1291:

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

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

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

19 **SECTION 2.**

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

22 "42-5-54.

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

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

27 (2) 'Inmate' means a person who is detained in a detention facility by reason of being  
 28 convicted of a felony or a misdemeanor and who is insured under existing individual  
 29 health insurance, group health insurance, or prepaid medical care coverage or is eligible  
 30 for benefits under Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act  
 31 of 1977.' ~~Such term does not include any sentenced inmate who is the responsibility of~~  
 32 ~~the Department of Corrections.~~

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

37 ~~(3)~~(4) 'Officer in charge' means the warden, captain, or superintendent or other person  
 38 having the supervision of any detention facility.

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

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

43 (2) The eligibility for benefits to which the inmate is entitled under Article 7 of Chapter  
 44 4 of Title 49, the 'Georgia Medical Assistance Act of 1977';

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

46 (4) The policy or other identifying number.

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

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

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

**SECTION 3.**

60  
61 Chapter 4A of Title 49 of the Official Code of Georgia Annotated, relating to the Department  
62 of Juvenile Justice, is amended by adding a new Code section to read as follows:

63 "49-4A-15.

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

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

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

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

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

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

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

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

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

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

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

92 (4) The policy or other identifying number.

93 (c) The officer in charge shall provide a sick, injured, or disabled juvenile access to  
94 medical care and may arrange for the juvenile's medical care insurance carrier or benefits  
95 program to pay the medical care provider for the medical care rendered. Any medical care  
96 insurance or benefits program covering a juvenile shall reimburse the department as

97 requested by the officer in charge for any payments made by the department on behalf of  
98 a juvenile which were covered by insurance, a benefit program, or other medical care  
99 coverage. The Department of Juvenile Justice shall be subrogated to the rights of a  
100 juvenile to recover an amount not to exceed the costs to the department for providing  
101 medical care to such juvenile.

102 (d) The liability for payment for medical care described under this Code section shall not  
103 be construed as requiring payment by any person or entity, except by such insurance carrier  
104 or coverage program providing coverage or benefits for the juvenile or at the direction of  
105 the Department of Community Health or other agency administering such coverage  
106 benefits.

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

110 **SECTION 4.**

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

112 **SECTION 5.**

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