

## SENATE BILL No. 565

By Senator Reitz

2-14

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9 AN ACT concerning counties; relating to costs for medical care and treat-  
10 ment of offenders; amending K.S.A. 2005 Supp. 19-1910 and 19-4444  
11 and repealing the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2005 Supp. 19-1910 is hereby amended to read as  
15 follows: 19-1910. (a) When a prisoner is committed to a county jail in a  
16 criminal action, the board of county commissioners shall allow the sheriff  
17 reasonable charges for maintaining such prisoner.

18 (b) (1) If a person is stopped by or is in the custody of a law enforce-  
19 ment officer, as defined in K.S.A. 22-2202, and amendments thereto, who  
20 is an employee of the state and such person is injured by the officer while  
21 acting within the scope of such officer's authority, costs incurred for med-  
22 ical care and treatment of the person shall be paid by the state if such  
23 care and treatment is required due to the injury and a determination has  
24 been made that the person has no other resources. When such medical  
25 expenses have been paid by the state, the state may seek reimbursement  
26 of such expenses from the prisoner. If the state determines that the pris-  
27 oner is covered under a current individual or group accident and health  
28 insurance policy, medical service plan contract, hospital service corpora-  
29 tion contract, hospital and medical service corporation contract, fraternal  
30 benefit society or health maintenance organization contract, then the state  
31 may require the prisoner or the provider rendering health care services  
32 to the prisoner to submit a claim for such health care services rendered  
33 in accordance with the prisoner's policy or contract.

34 (2) All other costs incurred by the county for medical care and treat-  
35 ment of prisoners held within the county shall be paid from the county  
36 general fund when a determination has been made that the prisoner has  
37 no other resources. When medical expenses have been paid out of the  
38 county general fund of any county in this state for a prisoner held within  
39 such county, the county may seek reimbursement of such expenses from  
40 the prisoner. If the county determines that a prisoner of the county jail  
41 is covered under a current individual or group accident and health insur-  
42 ance policy, medical service plan contract, hospital service corporation  
43 contract, hospital and medical service corporation contract, fraternal ben-

1   efit society or health maintenance organization contract, then the county  
2   may require the prisoner of such county jail or the provider rendering  
3   health care services to the prisoner to submit a claim for such health care  
4   services rendered in accordance with the prisoner's policy or contract.

5   (c) When a prisoner is delivered to a county jail pursuant to K.S.A.  
6   75-5217, and amendments thereto, the costs of holding such prisoner  
7   shall be paid as provided in K.S.A. 19-1930, and amendments thereto.

8   (d) *In regard to medical care and treatment, the maximum amount*  
9   *the county general fund shall be liable for is the lesser of the actual amount*  
10   *billed by the medical care facility for such care and treatment or the*  
11   *medicaid rate the medical care facility would have received if such medical*  
12   *care facility was paid by the Kansas health policy authority pursuant to*  
13   *a provider agreement. In regard to pharmaceuticals, the maximum*  
14   *amount the county general fund shall be liable for is the lesser of the actual*  
15   *amount billed for the prescription or the medicaid rate for the prescription*  
16   *that the Kansas health policy authority would have paid pursuant to a*  
17   *provider agreement. As used in this section, "medical care facility" means*  
18   *a medical care facility licensed by the department of health and environ-*  
19   *ment.*

20   Sec. 2. K.S.A. 2005 Supp. 19-4444 is hereby amended to read as  
21   follows: 19-4444. (a) Except as provided by subsection (b), the agency  
22   shall approve all expenditures to be made by and claims to be paid on  
23   behalf of such agency and the law enforcement department and shall  
24   certify the same to the board of county commissioners of the county to  
25   be allowed from the funds provided for the operation of such agency and  
26   department.

27   (b) (1) If a person is stopped by or is in the custody of a law enforce-  
28   ment officer, as defined in K.S.A. 22-2202, and amendments thereto, who  
29   is an employee of the state and such person is injured by the officer while  
30   acting within the scope of such officer's authority, costs incurred for med-  
31   ical care and treatment of the person shall be paid by the state if such  
32   care and treatment is required due to the injury and a determination has  
33   been made that the person has no other resources. When such medical  
34   expenses have been paid by the state, the state may seek reimbursement  
35   of such expenses from the prisoner. If the state determines that the pris-  
36   oner is covered under a current individual or group accident and health  
37   insurance policy, medical service plan contract, hospital service corpora-  
38   tion contract, hospital and medical service corporation contract, fraternal  
39   benefit society or health maintenance organization contract, then the state  
40   may require the prisoner or the provider rendering health care services  
41   to the prisoner to submit a claim for such health care services rendered  
42   in accordance with the prisoner's policy or contract.

43   (2) All other costs incurred by the agency or department for medical

1 care and treatment of prisoners held within the county shall be paid from  
2 the county general fund when a determination has been made that the  
3 prisoner has no other resources. When medical expenses have been paid  
4 out of the county general fund of any county in this state adopting the  
5 provisions of K.S.A. 19-4424 et seq., and amendments thereto, for a pris-  
6 oner held within such county, the county may seek reimbursement of  
7 such expenses from the prisoner. If the county determines that a prisoner  
8 of the county jail is covered under a current individual or group accident  
9 and health insurance policy, medical service plan contract, hospital service  
10 corporation contract, hospital and medical service corporation contract,  
11 fraternal benefit society or health maintenance organization contract,  
12 then the county may require the prisoner of such county jail or the pro-  
13 vider rendering health care services to the prisoner to submit a claim for  
14 such health care services rendered in accordance with the prisoner's pol-  
15 icy or contract.

16 *(c) In regard to medical care and treatment, the maximum amount*  
17 *the county general fund shall be liable for is the lesser of the actual amount*  
18 *billed by the medical care facility for such care and treatment or the*  
19 *medicaid rate the medical care facility would have received if such medical*  
20 *care facility was paid by the Kansas health policy authority pursuant to*  
21 *a provider agreement. In regard to pharmaceuticals, the maximum*  
22 *amount the county general fund shall be liable for is the lesser of the actual*  
23 *amount billed for the prescription or the medicaid rate for the prescription*  
24 *that the Kansas health policy authority would have paid pursuant to a*  
25 *provider agreement. As used in this section, "medical care facility" means*  
26 *a medical care facility licensed by the department of health and environ-*  
27 *ment.*

28 Sec. 3. K.S.A. 2005 Supp. 19-1910 and 19-4444 are hereby repealed.

29 Sec. 4. This act shall take effect and be in force from and after its  
30 publication in the statute book.