

FIRST REGULAR SESSION

HOUSE BILL NO. 1051

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MURPHY.

2198H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 221.120, RSMo, and to enact in lieu thereof one new section relating to reimbursement of prisoner medical costs.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 221.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 221.120, to read as follows:

221.120. 1. If any prisoner confined in the county jail is sick and in the judgment of the jailer, requires the attention of a physician, dental care, or medicine, the jailer shall procure the necessary medicine, dental care, or medical attention necessary or proper to maintain the health of the prisoner **as provided under this section**. The costs of such medicine, dental care, or medical attention shall be paid by the prisoner through any health insurance policy as defined in subsection 3 of this section, from which the prisoner is eligible to receive benefits. If the prisoner is not eligible for such health insurance benefits then the prisoner shall be liable for the payment of such medical attention, dental care, or medicine, and the assets of such prisoner may be subject to levy and execution under court order to satisfy such expenses in accordance with the provisions of section 221.070, and any other applicable law. ~~[The county commission of the county may at times authorize payment of certain medical costs that the county commission determines to be necessary and reasonable]~~ **If the medical costs are not paid within sixty days by the prisoner's health insurance policy or by the prisoner's assets, the county shall reimburse the entity that incurred such medical costs.** As used in this section, the term "medical costs" includes the actual costs of medicine, dental care, or other medical attention and necessary costs associated with such medical care such as transportation, guards, and inpatient **and outpatient** care.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 2. The county commission may, in their discretion, employ a physician by the year, to
19 attend such prisoners, and make such reasonable charge for his service and medicine, when
20 required, to be taxed and collected as provided by law.

21 3. As used in this section, the following terms mean:

22 (1) "Assets", property, tangible or intangible, real or personal, belonging to or due a
23 prisoner or a former prisoner, including income or payments to such prisoner from Social
24 Security, workers' compensation, veterans' compensation, pension benefits, previously earned
25 salary or wages, bonuses, annuities, retirement benefits, compensation paid to the prisoner per
26 work or services performed while a prisoner or from any other source whatsoever, including any
27 of the following:

28 (a) Money or other tangible assets received by the prisoner as a result of a settlement of
29 a claim against the state, any agency thereof, or any claim against an employee or independent
30 contractor arising from and in the scope of the employee's or contractor's official duties on behalf
31 of the state or any agency thereof;

32 (b) A money judgment received by the prisoner from the state as a result of a civil action
33 in which the state, an agency thereof or any state employee or independent contractor where such
34 judgment arose from a claim arising from the conduct of official duties on behalf of the state by
35 the employee or subcontractor or for any agency of the state;

36 (c) A current stream of income from any source whatsoever, including a salary, wages,
37 disability benefits, retirement benefits, pension benefits, insurance or annuity benefits, or similar
38 payments; and

39 (2) "Health insurance policy", any group insurance policy providing coverage on an
40 expense-incurred basis, any group service or indemnity contract issued by a not-for-profit health
41 services corporation or any self-insured group health benefit plan of any type or description.

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