

IN THE SENATE

SENATE BILL NO. 1246, As Amended in the House

BY JUDICIARY AND RULES COMMITTEE

AN ACT

1 RELATING TO CORRECTIONAL FACILITIES; PROVIDING LEGISLATIVE INTENT; AMEND-  
2 ING SECTION 20-237B, IDAHO CODE, TO PROVIDE THAT PRIVATIZED MEDICAL  
3 PROVIDERS SHALL MAKE CERTAIN PAYMENTS, TO PROVIDE FOR INPATIENT AND  
4 OUTPATIENT HOSPITALIZATIONS AND EMERGENCY SERVICES, TO REVISE TER-  
5 MINOLOGY, TO PROVIDE CERTAIN CONTRACTUAL REQUIREMENTS AND TO PROVIDE  
6 APPLICABILITY; AND DECLARING AN EMERGENCY.  
7

8 Be It Enacted by the Legislature of the State of Idaho:

9 SECTION 1. LEGISLATIVE INTENT. It is the intent of the Legislature that  
10 any amendments to Section 20-237B, Idaho Code, shall not apply retroactively  
11 to any hospital medical services or non-hospital medical services provided  
12 before the enactment of this act.

13 SECTION 2. That Section 20-237B, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 20-237B. MEDICAL COSTS OF STATE PRISONERS HOUSED IN CORRECTIONAL  
16 FACILITIES. (1) The state board of correction or any privatized medical  
17 provider under contract with the department of correction shall pay to a  
18 provider of a medical service, other than hospital inpatient or outpatient  
19 services, for any and all prisoners, committed to the custody of the de-  
20 partment of correction, confined in a correctional facility, as defined in  
21 section 18-101A(1), Idaho Code, an amount ~~no greater than~~ equal to the reim-  
22 bursement rates applicable based on of the Idaho medicaid reimbursement rate  
23 fee schedule in place at the time services are provided. Hospitals shall  
24 be paid for inpatient and outpatient facility services provided to such  
25 prisoners in an amount equal to the interim Idaho medicaid rates in place  
26 at the time of service except for outpatient services paid by Idaho medic-  
27 aid according to the Idaho medicaid fee schedule. ~~This~~ These limitations  
28 applies apply to all medical care services provided outside the facility,  
29 including inpatient and outpatient hospitalizations, emergency services,  
30 professional services, durable and nondurable goods, prescription drugs and  
31 medications provided to any and all prisoners confined in a correctional  
32 facility, as defined in section 18-101A(1), Idaho Code. For ~~required~~ ser-  
33 vices that are not included in the Idaho medicaid reimbursement fee schedule  
34 or the interim Idaho medicaid rates, the state board of correction or any  
35 privatized medical provider under contract with the department of correc-  
36 tion shall pay the reasonable value of such service. If a privatized medical  
37 provider is contracted with the department of correction, no hospital or  
38 any medical services provider shall be required to provide medical services  
39 to prisoners, except for emergency hospital services, in the absence of a  
40 contract between the privatized medical provider and the hospital or medi-  
41 cal services provider. Any contract between the department of correction

1 and a privatized medical provider must contain a requirement that the pri-  
 2 vatized medical provider enter into contracts with each hospital providing  
 3 non-emergency services outside of the correctional facility. The contract  
 4 between the privatized medical provider and the department of correction  
 5 shall require, and the contracts between the privatized medical provider and  
 6 any hospital or non-hospital providers shall include, at least the following  
 7 terms reasonably and practicably consistent with those used by Idaho medic-  
 8 aid:

9 (a) Claims adjudication processing;

10 (b) Timing;

11 (c) Payment;

12 (d) Authorizations;

13 (e) Utilization review;

14 (f) Audit; and

15 (g) Appeals processes.

16 (2) ~~For the purposes of s~~Subsection (1) of this section, ~~the term~~  
 17 ~~"provider of a medical service"~~ shall ~~include~~ apply only to companies,  
 18 professional associations and other health care service entities whose ser-  
 19 vices are billed directly to the department of correction or any privatized  
 20 medical provider under contract with the department of correction. The term  
 21 "provider of a medical service" Subsection (1) of this section shall exclude  
 22 not apply to:

23 (a) Privatized correctional medical providers under contract with the  
 24 department of correction to provide health care to prison inmates;

25 (b) Private prison companies;

26 (c) Out-of-state correctional facilities contracting with the depart-  
 27 ment of correction to house prisoners;

28 (d) County jails; and

29 (e) Companies, professional associations and other health care service  
 30 entities whose services are provided within the terms of agreements  
 31 with privatized correctional medical providers under contract with ~~the~~  
 32 ~~department of correction,~~ private prison companies and county jails.

33 SECTION 3. An emergency existing therefor, which emergency is hereby  
 34 declared to exist, this act shall be in full force and effect on and after its  
 35 passage and approval.