

**Testimony To The
ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS
Prepared April 6, 2010 by the
North Dakota Association of Counties
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CONCERNING JAIL MEDICAL COSTS

Chairman Potter and members of the Advisory Commission, thank you for the request to gather further information on the issue of jail inmate medical costs.

In response to the questions raised at your previous meeting, I sent an email request to the administrators of the sixteen Grade 1 jails and the seven Grade 2 jails. My request was for total inmate medical costs in CY2009 and any comments or specific recommendations they may have about this issue.

As you can see from the attached table of data, the CY2009 statewide total cost was in excess of \$1.5 million. It was noted by several of the more rural jails that the reduction in meth-lab problems has actually reduced their inmate medical costs quite significantly in recent years – this is certainly not the trend for the larger jails. The Grand Forks facility was able to provide a bit of financial history. As you can see, their 2-year increase in costs was substantial, (88%).

Grand Forks Corrections Inmate Medical Costs	<u>CY2008</u> \$ 151,467	<u>CY2008</u> \$ 167,952	<u>CY2009</u> \$ 284,397
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Several of the smaller jails also noted that a one-year snapshot can be deceiving since one or two inmates can greatly skew costs in a given year. One would think therefore that the larger jails would be a better indicator; as they have enough inmates to somewhat mask the influence of peculiar cases – unfortunately, even in our largest jail, single cases can have catastrophic effects on costs.

The Cass County facility – our State’s largest jail – reports a CY2009 inmate that has had an enormous impact, even on a medical budget of over a half a million dollars. This inmate was arrested on a state felony charge of terrorizing and had a pre-existing cancer condition, for which he was rather sporadically receiving treatments from the VA Hospital in Fargo. The VA, by national policy, will not accept or pay medical costs for any veteran that is in custody (something that holds true for Medicare and Medicaid as well). It was therefore left to the jail to cover those costs pursuant to NDCC 12-44.1-14 and the federal requirements discussed at the committee’s last meeting. By the time this inmate was released, the county had paid a local hospital \$109,217 – almost 20% of their entire medical budget – 50% of their “medical purchase” budget – a budget that was established for over 7,300 inmates.

It was noted that State law allows a jail facility to seek reimbursement for these costs from the inmate; however this is seldom possible, as most inmates lack any significant financial resources.

Cass County suggested that two changes in State statute could have a significant impact on inmate medical costs. The first would be a requirement that health providers bill and accept the rates identified for services provided under Medicare or Medicaid. While some jails have been able to negotiate such rate consideration, others pay the maximum billable rates.

The other change is that the statutory requirement to cover medical costs be specifically limited to those that are physically in custody of a correctional or jail facility. This would clearly exclude those supervised through electronic monitoring or home detention. While many jail policies reflect this distinction, (as do our state Medicaid rules) it often becomes a point of contention between counties and medical facilities.

Mr. Chairman, we thank you for the opportunity to present this information, and we would certainly urge the Committee to address this rapidly growing, and often erratic property tax cost.

Jail Medical Survey - CY2009 Costs	
Facility	CY2009
Grade 1 - Up to One Year	
Barnes County (Valley City)	17,399
Bottineau County (Bottineau)	2,551
Burleigh County (Bismarck)	292,056
Cass County (Fargo)	637,857
Grand Forks County	284,397
Lake Region C.C. (Devils Lake)	37,049
McKenzie County (Watford City)	7,270
McLean County (Washburn)	3,600
Mercer County (Stanton)	7,574
Morton County (Mandan)	47,317
North Central CRC (Rugby)	5,459
Richland County (Wahpeton)	26,500
Stutsman County (Jamestown)	107,166
SW Multi-County (Dickinson)	25,553
Ward County (Minot)	12,936
Williams County (Williston)	13,843
Grade 2 - Up to 30 days	
Adams County (Hettinger)	828
Cavalier County (Langdon)	48
Mountrail County (Stanley)	5,500 ²
Pembina County (Cavalier)	11,000
Rolette County (Rolla)	9,000 ²
Traill County (Hillsboro)	9,650
Walsh County (Grafton)	5,099
Grade 3 - Up to 96 Hours	
Emmons County (Linton)	No Data
Logan County (Napoleon)	No Data
McIntosh County (Ashley)	No Data
	1,569,654

Notes:

1 McLean Jail opened in May 2009 - Not a full year of costs

2 Estimates based on statewide average