

Introduced by

1 A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota
2 Century Code, relating to inmate medical care costs; and to amend and reenact subsection 4 of
3 section 12-44.1-01 and sections 12-44.1-12.1 and 12-44.1-14 of the North Dakota Century
4 Code, relating to adequate medical care and payment of medical costs of inmates.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 4 of section 12-44.1-01 of the North Dakota
7 Century Code is amended and reenacted as follows:

8 4. "Inmate" means any person, whether sentenced or unsentenced, who is detained
9 or confined in a correctional facility. The term does not include an individual who is
10 under the supervision of the correctional facility and is supervised under home
11 detention, electronic monitoring, or a similar program that does not involve physical
12 detention or confinement in the facility.

13 **SECTION 2. AMENDMENT.** Section 12-44.1-12.1 of the North Dakota Century Code
14 is amended and reenacted as follows:

15 **12-44.1-12.1. Establishment of inmate accounts - Withholding funds for inmate**
16 **financial obligations - Health care costs - Payment of funds to inmate upon release.**

17 1. The correctional facility administrator shall establish an inmate account for each
18 inmate.
19 ~~2. The correctional facility administrator may withdraw funds from an inmate's~~
20 ~~account to meet the inmate's legitimate financial obligations, including child support~~
21 ~~and restitution. ~~The correctional facility administrator may withdraw funds from the~~~~
22 ~~inmate's account to pay and for the inmate's medical, dental, and eye care costs~~
23 ~~while the inmate is incarcerated in the correctional facility. ~~Before the funds may~~~~
24 ~~be withdrawn, the inmate must first receive written notice and be provided a~~

1 ~~hearing with the right to correctional facility staff assistance and the right to review~~
2 ~~by the correctional facility administrator. No written notice or hearing is required if~~
3 ~~the withdrawal of funds is being made to meet the inmate's child support obligation.~~

4 ~~3. A correctional facility administrator may collect fees from inmates to offset health~~
5 ~~care costs as follows:~~

6 a. ~~For a medical visit, up to ten dollars per medical visit made at the request of~~
7 ~~an inmate.~~

8 b. ~~For self-inflicted injuries, the total amount of medical costs incurred.~~

9 e. ~~For necessary health care services, the correctional facility may seek~~
10 ~~reimbursement from the inmate up to the total amount of health care costs~~
11 ~~incurred. If the inmate has health insurance coverage, a medical or health~~
12 ~~care provider must file a claim for reimbursement from the health insurance~~
13 ~~coverage carrier. A correctional facility may not assess an inmate for any~~
14 ~~costs associated with an intake health care assessment and related testing or~~
15 ~~for an examination of an inmate made at the request of the facility.~~

16 d. ~~For elective health care requested by an inmate and as allowed by~~
17 ~~correctional facility policy, the inmate is responsible for the amount of the~~
18 ~~costs incurred.~~

19 e. ~~A correctional facility may not deny necessary and nonelective medical and~~
20 ~~health care to an inmate who does not have health insurance or does not~~
21 ~~have the ability to pay the costs of the medical or health care.~~

22 ~~4. 2.~~ The correctional facility administrator shall pay an inmate all funds in the inmate's
23 account when the inmate is discharged from the correctional facility or when the
24 inmate is transferred to another correctional facility, less the inmate's outstanding
25 obligations to the correctional facility.

26 ~~5. 3.~~ This section does not limit or alter the provisions of chapter 14-09 relating to
27 income withholding orders for child support.

28 **SECTION 3.** A new section to chapter 12-44.1 of the North Dakota Century Code is
29 created and enacted as follows:

30 **Inmate medical care costs.** An inmate is financially responsible for the costs of
31 medical or health care, except for an intake health care assessment and related testing for an

1 examination of the inmate made at the request of the facility. The correctional facility may seek
2 reimbursement from the inmate up to the total amount of incurred medical or health care costs.
3 If the inmate has health insurance coverage, a medical or health care provider must file a claim
4 for reimbursement from the health insurance provider. If the inmate does not have health
5 insurance coverage, a medical or health care provider may not bill the cost of care at a rate that
6 exceeds the federal medicare payment rate. If the elective medical health care is allowed by a
7 correctional facility policy, the inmate must arrange payment for elective medical or health care
8 before receiving care.

9 **SECTION 4. AMENDMENT.** Section 12-44.1-14 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **12-44.1-14. Inmate rights.** Subject to reasonable safety, security, discipline, and
12 correctional facility administration requirements, the administrator of each correctional facility
13 shall:

- 14 1. Ensure inmates have confidential access to attorneys and their authorized
15 representatives.
- 16 2. Ensure that inmates are not subjected to discrimination based on race, national
17 origin, color, creed, sex, economic status, or political belief.
- 18 3. Ensure equal access by male and female inmates to programs and services
19 available through the correctional facility.
- 20 4. Ensure access to mail, telephone use, and visitors.
- 21 5. Ensure that inmates are properly fed, clothed, and housed.
- 22 6. Ensure that inmates have adequate medical care. Adequate medical care means
23 necessary treatment for a medical or health condition that develops while
24 incarcerated and for which serious pain or hardship would occur if care is not
25 given. A correctional facility may not deny adequate medical care to an inmate
26 who does not have health insurance or does not have the ability to pay the costs of
27 the medical or health care.
- 28 7. Ensure that inmates may reasonably exercise their religious beliefs.