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2009 APR 20 PM 4:06

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2009



ENROLLED

House Bill No. 2404

(By Delegates Perry, Boggs, Morgan and Ellem)



Passed April 8, 2009

In Effect Ninety Days from Passage

HOPE GH

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H. B. 2404

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY DELEGATES PERRY, BOGGS, MORGAN AND ELLEM)

[Passed April 8, 2009; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §31-20-5f, relating to inmate reimbursement to the authority for medical services provided to persons held in regional jails; providing exceptions for reimbursement for medical services; and providing authority for rulemaking.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §31-20-5f, to read as follows:

**ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND
CORRECTIONAL FACILITY
AUTHORITY.**

**§31-20-5f. Charges assessed against inmates for services
provided by the authority.**

1 (a) The executive director is authorized to assess inmates
2 serving a sentence in any regional jail reasonable charges for
3 health care and treatment services provided to them by the
4 authority. The charges assessed against an inmate may be
5 deducted directly from the inmate's trustee account without
6 the inmate's consent. The inmate shall be notified of the
7 amount deducted and the charges to which it has been
8 applied.

9 (b) As used in this section, a "reasonable charge" may
10 not exceed the sum of \$5 for any billable service. Inmates
11 shall be notified of the fee schedule, billable services and
12 exempt services. Services initiated by the inmate shall be
13 assessed a fee, except that no charge may be assessed for:

14 (1) A specific health care service required under the law
15 of this state;

16 (2) An emergency service following a traumatic injury
17 other than a self-induced injury, or necessary to prevent death
18 or severe or permanent disability;

19 (3) Diagnosis and treatment of communicable diseases;

20 (4) Treatment of diagnosed severe mental illness;

21 (5) Treatment of specific chronic conditions identified
22 by the executive director;

23 (6) Staff-initiated care, including follow-up and referral
24 visits;

25 (7) Preventative services that the executive director
26 determines are to be provided or made available to all
27 inmates, including services related to disease prevention and
28 promotion of proper health habits; or

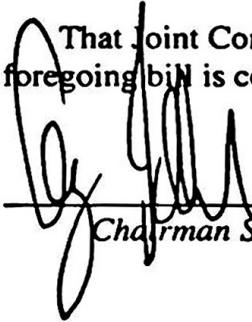
29 (8) Other services as may be exempted by the rule of the
30 authority.

31 No inmate may be denied any necessary billable medical
32 service because of the inability to pay the charge.

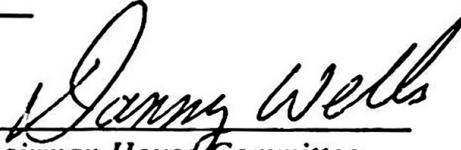
33 (c) Each inmate shall be afforded an opportunity at least
34 quarterly to review all deposits into, withdrawals from and
35 balance remaining in the inmate's trustee account during the
36 preceding three months.

37 (d) The executive director shall promulgate interpretive
38 rules implementing this section pursuant to article three,
39 chapter twenty-nine-a of this code prior to making any
40 assessment under this section. The rules may establish the
41 fee schedule and list of billable services and further define
42 services to be exempted.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



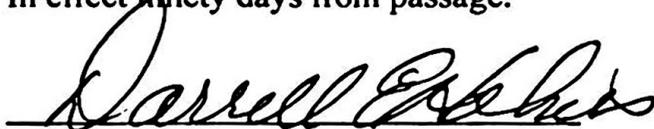
Chairman Senate Committee



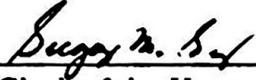
Chairman House Committee

Originating in the House.

In effect ninety days from passage.



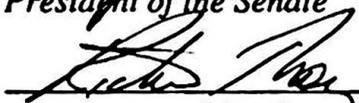
Clerk of the Senate



Deputy Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 20th
day of April, 2009.



Governor

PRESENTED TO THE
GOVERNOR

APR 16 2009

Time 2:15 pm