

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 113**

Introduced by Larson, 40; Kintner, 2.

Read first time January 08, 2015

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to correctional services; to amend sections
- 2 47-701, 47-704, and 83-1,135, Reissue Revised Statutes of Nebraska;
- 3 to provide for a copayment for health care services; to provide
- 4 exemptions; to harmonize provisions; and to repeal the original
- 5 sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-701, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 47-701 (1) Notwithstanding any other provision of law, sections  
4 47-701 to 47-705 and section 3 of this act shall govern responsibility  
5 for payment of the costs of medical services for any person ill, wounded,  
6 injured, or otherwise in need of such services at the time such person is  
7 arrested, detained, taken into custody, or incarcerated.

8 (2) For purposes of sections 47-701 to 47-705 and section 3 of this  
9 act, the term medical services includes medical and surgical care and  
10 treatment, hospitalization, transportation, medications and  
11 prescriptions, and other associated items.

12 Sec. 2. Section 47-704, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 47-704 Except as otherwise provided in section 3 of this act, the  
15 ~~The~~ costs of routine medical services provided in the ordinary course of  
16 the duties of regular staff of a jail, prison, or other similar holding  
17 or detention facility shall not be considered reimbursable under sections  
18 47-701 to 47-705 and section 3 of this act.

19 Sec. 3. (1) Except as otherwise provided in this section, for each  
20 nonemergency visit to a health care provider by a jail inmate which is  
21 initiated by such inmate, the political subdivision operating the jail  
22 may require the inmate to make a copayment of not less than ten dollars.  
23 Any such copayment shall be deducted from any existing balance in such  
24 inmate's personal account. If the account balance is insufficient to  
25 cover the copayment, fifty percent of each deposit to the account shall  
26 be withheld until the copayment has been paid in full. The proceeds of  
27 any such copayment shall be credited to the general fund of the county.

28 (2) A copayment shall not be charged for:

29 (a) Emergency care of any kind, including, but not limited to,  
30 injuries or wounds suffered during the course of apprehension or arrest;

31 (b) Any required initial medical history and any initial physical

1 examination and mental evaluation of the inmate;

2 (c) Health care provided in connection with an extraordinary event  
3 that could not reasonably be foreseen, including, but not limited to, a  
4 disturbance or a natural disaster;

5 (d) Care for diagnosis and treatment of infectious or contagious  
6 disease, including, but not limited to, a facility-wide health care  
7 measure necessary to address the spread of specific infectious or  
8 contagious diseases;

9 (e) Health care provided under an agreement with another  
10 jurisdiction which precludes assessing such copayment;

11 (f) Staff-initiated care, including followup and referral visits;

12 (g) Mental health care, including substance abuse and addiction  
13 treatment; and

14 (h) Care for chronic illness.

15 (3)(a) An inmate shall not be denied access to health care as a  
16 result of not paying any copayment pursuant to this section.

17 (b) An inmate shall not be given preferential access to health care  
18 as a result of paying any copayment pursuant to this section.

19 Sec. 4. (1) Except as otherwise provided in this section, for each  
20 nonemergency visit to a health care provider by a committed offender  
21 which is initiated by such committed offender, the department may require  
22 the committed offender to make a copayment of not less than ten dollars.  
23 Any such copayment shall be deducted from any existing balance in the  
24 committed offender's personal account. If the account balance is  
25 insufficient to cover the copayment, fifty percent of each deposit to the  
26 account shall be withheld until the copayment has been paid in full. The  
27 proceeds of any such copayment shall be remitted to the State Treasurer  
28 for credit to the General Fund.

29 (2) A copayment shall not be charged for:

30 (a) Emergency care of any kind;

31 (b) Any required initial medical history and any initial physical

1 examination and mental evaluation of the committed offender;

2 (c) Health care provided in connection with an extraordinary event  
3 that could not reasonably be foreseen, including, but not limited to, a  
4 disturbance or a natural disaster;

5 (d) Care for diagnosis and treatment of infectious or contagious  
6 disease, including, but not limited to, a facility-wide health care  
7 measure necessary to address the spread of specific infectious or  
8 contagious diseases;

9 (e) Health care provided under a contractual obligation that is  
10 established under the Interstate Corrections Compact or under an  
11 agreement with another jurisdiction which precludes assessing such  
12 copayment;

13 (f) Staff-initiated care, including followup and referral visits;

14 (g) Mental health care, including substance abuse and addiction  
15 treatment; and

16 (h) Care for chronic illness.

17 (3)(a) A committed offender shall not be denied access to health  
18 care as a result of not paying any copayment pursuant to this section.

19 (b) A committed offender shall not be given preferential access to  
20 health care as a result of paying any copayment pursuant to this section.

21 Sec. 5. Section 83-1,135, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 83-1,135 Sections 83-170 to 83-1,135 and section 4 of this act shall  
24 be known and may be cited as the Nebraska Treatment and Corrections Act.

25 Sec. 6. Original sections 47-701, 47-704, and 83-1,135, Reissue  
26 Revised Statutes of Nebraska, are repealed.