

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 455

Introduced by Arch, 14.

Read first time January 18, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to jails; to amend sections 47-701 and 47-703,
- 2 Revised Statutes Cumulative Supplement, 2018; to redefine a term; to
- 3 change provisions relating to apportionment of costs of medical
- 4 services of certain inmates; and to repeal the original sections.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-701, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 47-701 (1) Notwithstanding any other provision of law, and except as
4 provided in section 44-713, sections 47-701 to 47-705 shall govern
5 responsibility for payment of the costs of medical services for any
6 person ill, wounded, injured, or otherwise in need of such services at
7 the time such person is arrested, detained, taken into custody, or
8 incarcerated.

9 (2) For purposes of sections 47-701 to 47-705, the term medical
10 services includes medical and surgical care and treatment,
11 hospitalization, transportation, medications and prescriptions,
12 examinations to determine fitness for confinement, and other associated
13 items.

14 Sec. 2. Section 47-703, Revised Statutes Cumulative Supplement,
15 2018, is amended to read:

16 47-703 (1) Upon a showing that reimbursement from the sources
17 enumerated in section 47-702 is not available, in whole or in part, the
18 costs of medical services shall be paid by the appropriate governmental
19 agency. Such payment shall be made within ninety days after such showing.
20 For purposes of this section, a showing shall be deemed sufficient if a
21 provider of medical services signs an affidavit stating that (a) in the
22 case of an insurer, health maintenance organization, preferred provider
23 organization, or other similar source, a written denial of payment has
24 been issued or (b) in all other cases, efforts have been made to identify
25 sources and to collect from those sources and more than one hundred
26 eighty days have passed or the normal collection efforts are exhausted
27 since the medical services were rendered but full payment has not been
28 received. Such affidavit shall be forwarded to the appropriate
29 governmental agency. In no event shall the provider of medical services
30 be required to file a suit in a court of law or retain the services of a
31 collection agency to satisfy the requirement of showing that

1 reimbursement is not available pursuant to this section.

2 ~~(2)(a) (2)~~ In the case of medical services necessitated by injuries
3 or wounds suffered during the course of apprehension or arrest, the
4 appropriate governmental agency chargeable for the costs of medical
5 services shall be the apprehending or arresting agency and not the agency
6 responsible for operation of the institution or facility in which the
7 recipient of the services is to be lodged. The apprehending or arresting
8 agency shall also be responsible for the costs of medical examinations to
9 determine fitness for confinement that are required by the governmental
10 agency responsible for operation of the institution or facility in which
11 the recipient of the services is to be lodged.

12 **(b)** In all other cases, the appropriate governmental agency shall be
13 the agency responsible for operation of the institution or facility in
14 which the recipient of the services is to be lodged, except that when the
15 agency is holding the individual solely for another jurisdiction, the
16 agency may, by contract or otherwise, seek reimbursement from the other
17 jurisdiction for the costs of the medical services provided to the
18 individual being held for that jurisdiction.

19 (3) Except as provided in section 47-705, a governmental agency
20 shall not be responsible for paying the costs of any medical services
21 provided to an individual if such services are provided after he or she
22 is released from the legal custody of the governmental agency or when the
23 individual is released on parole.

24 (4) Any governmental agency requesting medical services for an
25 individual who is arrested, detained, taken into custody, or incarcerated
26 shall notify the provider of such services of (a) all information
27 possessed by the agency concerning potential sources of payment and (b)
28 the name of the appropriate governmental agency pursuant to subsection
29 (2) of this section.

30 Sec. 3. Original sections 47-701 and 47-703, Revised Statutes
31 Cumulative Supplement, 2018, are repealed.