LEGISLATIVE BILL 216

Introduced by Kolterman, 24.

Read first time January 11, 2019

Committee: Judiciary

1 A BILL FOR AN ACT relating to jails and correctional facilities; to amend section 47-703, Revised Statutes Cumulative Supplement, 2018; to prohibit law enforcement releasing a person from custody to avoid the cost of medical services; and to repeal the original section.

5 Be it enacted by the people of the State of Nebraska,
Section 1. Section 47-703, Revised Statutes Cumulative Supplement, 2018, is amended to read:

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

(2) In the case of medical services necessitated by injuries or wounds suffered during the course of apprehension or arrest, the appropriate governmental agency chargeable for the costs of medical services shall be the apprehending or arresting agency and not the agency responsible for operation of the institution or facility in which the recipient of the services is lodged. In all other cases, the appropriate governmental agency shall be the agency responsible for operation of the institution or facility in which the recipient of the services is lodged, except that when the agency is holding the individual solely for another jurisdiction, the agency may, by contract or otherwise, seek reimbursement from the other jurisdiction for the costs of the medical services provided to the individual being held for that jurisdiction.
(3) Except as provided in section 47-705, a governmental agency shall not be responsible for paying the costs of any medical services provided to an individual if such services are provided after he or she is released from the legal custody of the governmental agency or when the individual is released on parole.

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

(5)(a) A law enforcement officer having custody of a person shall not release such person from custody merely to avoid the cost of necessary medical services while the person is receiving such medical services from a health care provider unless the health care provider consents to such release or unless the release is ordered by a court of competent jurisdiction.

(b) If the law enforcement officer is satisfied that probable cause no longer exists to believe such person committed a crime based upon an ongoing investigation or if the prosecuting attorney gives notice that no charges will be filed at the time such person is in custody, the law enforcement officer may release such person from custody.

(c) Upon the date of notification to the health care provider that the person is being released from custody because the ongoing investigation indicates that probable cause no longer exists or because of a decision by the prosecuting attorney that no charges will be filed, the law enforcement agency shall no longer be responsible for the cost of such person's medical services.

Sec. 2. Original section 47-703, Revised Statutes Cumulative Supplement, 2018, is repealed.