

Introduced by

Legislative Management

(Advisory Commission on Intergovernmental Relations)

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 or
9 confined in a correctional facility. The term does not include an individual who is under
10 the supervision of the correctional facility and is supervised under home detention,
11 electronic monitoring, or a similar program that does not involve physical detention or
12 confinement in the facility.

13 **SECTION 2. AMENDMENT.** Section 12-44.1-12.1 of the North Dakota Century Code is
14 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 account to
20 meet the inmate's legitimate financial obligations, including child support and
21 restitution. ~~The correctional facility administrator may withdraw funds from the inmate's~~
22 ~~account to pay and~~ for the inmate's medical, dental, and eye care costs ~~while the~~
23 ~~inmate is incarcerated in the correctional facility.~~ and establish an administrative
24 procedure for an inmate to appeal the withdrawal of the funds. ~~Before the funds may~~

1 ~~be withdrawn, the inmate must first receive written notice and be provided a hearing~~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

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

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

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

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

17 ~~d. For elective health care requested by an inmate and as allowed by correctional~~
18 ~~facility policy, the inmate is responsible for the amount of the 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 have~~
21 ~~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 income~~
27 ~~withholding orders for child support.~~

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

1 **Inmate medical care costs.**

2 An inmate is financially responsible for the costs of medical or health care, except for an
3 intake health care assessment and related testing for an examination of the inmate made at the
4 request of the facility. The correctional facility may seek reimbursement from the inmate up to
5 the total amount of incurred medical or health care costs. If the inmate has health insurance
6 coverage, a medical or health care provider shall file a claim for reimbursement from the health
7 insurance provider. If the inmate does not have health insurance coverage and the inmate's
8 medical or health care costs are the responsibility of the correctional facility, the correctional
9 facility's responsibility may not exceed the rates paid under the federal medicare program. If
10 elective medical or health care is allowed by a correctional facility policy, the inmate must
11 arrange payment for elective medical or health care before receiving care.

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

14 **12-44.1-14. Inmate rights.**

15 Subject to reasonable safety, security, discipline, and correctional facility administration
16 requirements, the administrator of each correctional facility shall:

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