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AB-45 Inmates: medical care: fees. (2019-2020)

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Assembly Bill No. 45

CHAPTER 570

An act to amend Section 5008.2 of, to add Sections 4011.3 and 5007.9 to, and to repeal and add Sections 4011.2 and 5007.5 of, the Penal Code, relating to inmates.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 45, Mark Stone. Inmates: medical care: fees.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to charge a \$5 fee for each inmate-initiated medical visit of an inmate confined in the state prison, except under specified circumstances, and requires that the moneys received be expended to reimburse the department for direct provision of inmate health care services. Existing law also authorizes a sheriff, chief or director of corrections, or chief of police to charge a \$3 fee for each inmate-initiated medical visit of an inmate confined in a county or city jail, except as specified, and requires that the moneys received be transferred to the county or city general fund. Existing law also authorizes a county or city to recover from an inmate or a person legally responsible for the inmate's care the costs of necessary medical care rendered to the inmate, under certain conditions.

This bill would instead prohibit the secretary or a sheriff, chief or director of corrections, or chief of police from charging a fee for an inmate-initiated medical visit of an inmate of the state prison or a county or city jail, and would make a conforming change. The bill would also prohibit those officials from charging an inmate of the state prison or a city or county jail a fee for durable medical equipment or medical supplies, as defined.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 4011.2 of the Penal Code is repealed.

SEC. 2. Section 4011.2 is added to the Penal Code, to read:

4011.2. A sheriff, chief or director of corrections, or chief of police shall not charge a fee for an inmate-initiated medical visit of an inmate confined in a county or city jail.

SEC. 3. Section 4011.3 is added to the Penal Code, to read:

4011.3. (a) Notwithstanding Section 4011.1, a sheriff, chief or director of corrections, or chief of police shall not charge a fee for durable medical equipment or medical supplies provided to an inmate confined in a county or city jail as medically necessary to

ensure the inmate has equal access to jail services, programs, or activities.

(b) (1) For purposes of this section, "durable medical equipment" means equipment that is prescribed by a licensed provider to meet the medical needs of an inmate and that meets all of the following criteria:

(A) The equipment can withstand repeated use.

(B) The equipment is used to serve a medical purpose.

(C) The equipment is not normally useful to an individual in the absence of an illness, injury, functional impairment, or congenital anomaly.

(D) The equipment is appropriate for use in or out of the prison.

(2) Durable medical equipment includes, but is not limited to, eyeglasses, artificial eyes, dentures, artificial limbs, orthopedic braces and shoes, and hearing aids.

(c) For purposes of this section, "medical supplies" means supplies that are prescribed by a licensed provider to meet the medical needs of an inmate and that meet all of the following criteria:

(1) The supplies cannot withstand repeated use.

(2) The supplies are usually disposable in nature.

(3) The supplies are used to serve a medical purpose.

(4) The supplies are not normally useful to an individual in the absence of an illness, injury, functional impairment, or congenital anomaly.

(5) The supplies are intended for use in an outpatient setting.

SEC. 4. Section 5007.5 of the Penal Code is repealed.

SEC. 5. Section 5007.5 is added to the Penal Code, to read:

5007.5. The Secretary of the Department of Corrections and Rehabilitation shall not charge a fee for an inmate-initiated medical visit of an inmate confined in the state prison.

SEC. 6. Section 5007.9 is added to the Penal Code, to read:

5007.9. (a) The Secretary of the Department of Corrections and Rehabilitation shall not charge a fee for durable medical equipment or medical supplies provided to an inmate confined in the state prison as medically necessary to ensure the inmate has equal access to prison services, programs, or activities.

(b) (1) For purposes of this section, "durable medical equipment" means equipment that is prescribed by a licensed provider to meet the medical needs of an inmate and that meets all of the following criteria:

(A) The equipment can withstand repeated use.

(B) The equipment is used to serve a medical purpose.

(C) The equipment is not normally useful to an individual in the absence of an illness, injury, functional impairment, or congenital anomaly.

(D) The equipment is appropriate for use in or out of the prison.

(2) Durable medical equipment includes, but is not limited to, eyeglasses, artificial eyes, dentures, artificial limbs, orthopedic braces and shoes, and hearing aids.

(c) For purposes of this section, "medical supplies" means supplies that are prescribed by a licensed provider to meet the medical needs of an inmate and that meet all of the following criteria:

(1) The supplies cannot withstand repeated use.

(2) The supplies are usually disposable in nature.

(3) The supplies are used to serve a medical purpose.

(4) The supplies are not normally useful to an individual in the absence of an illness, injury, functional impairment, or congenital anomaly.

(5) The supplies are intended for use in an outpatient setting.

SEC. 7. Section 5008.2 of the Penal Code is amended to read:

5008.2. (a) During the intake medical examination or intake health screening, or while providing general information during intake, the department shall provide all inmates with information on hepatitis C, including, but not limited to, methods of hepatitis C transmission and prevention, and information on opportunities for screening and treatment while incarcerated. This subdivision shall be implemented only to the extent that brochures, other printed information, or other media is provided at no charge to the department by public health agencies or any other organization promoting hepatitis C education.

(b) The department shall also provide hepatitis C screening to all inmates who request it, and offer it to inmates that have a history of intravenous drug use or other risk factors for hepatitis C. This testing shall be confidential.