

HOUSE BILL No. 4558

March 10, 2009, Introduced by Rep. Green and referred to the Committee on Judiciary.

A bill to amend 1846 RS 171, entitled
"Of county jails and the regulation thereof,"
by amending sections 4 and 4a (MCL 801.4 and 801.4a), as amended by
2006 PA 20.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 4. (1) Except as provided in ~~subsection (2)~~ **THIS SECTION**
2 and sections 5 and 5a, all charges and expenses of safekeeping and
3 maintaining prisoners and persons charged with an offense, shall be
4 paid from the county treasury, the accounts therefor being first
5 settled and allowed by the county board of commissioners.

6 **(2) IF MEDICAL CARE OR TREATMENT IS PROVIDED TO AN INDIVIDUAL**
7 **DESCRIBED IN SUBSECTION (1) WHILE THAT INDIVIDUAL IS IN THE**
8 **PHYSICAL CUSTODY OF A LAW ENFORCEMENT AGENCY OTHER THAN THE COUNTY**

1 SHERIFF'S DEPARTMENT, OR THE STATE DEPARTMENT OF CORRECTIONS, THE
2 COST OF THAT MEDICAL CARE OR TREATMENT IS THE RESPONSIBILITY OF THE
3 LAW ENFORCEMENT AGENCY OR DEPARTMENT THAT HAS PHYSICAL CUSTODY OF
4 THE INDIVIDUAL WHEN THE COST IS INCURRED.

5 (3) THE MEDICAL CARE OR TREATMENT THAT THE COUNTY IS LIABLE
6 FOR UNDER SUBSECTION (1) IS LIMITED TO THOSE MEDICAL CARE OR
7 TREATMENT SERVICES THAT THE STATE WOULD PROVIDE TO ELIGIBLE
8 RECIPIENTS UNDER THE MEDICAID PROGRAM. AS USED IN THIS SUBSECTION,
9 "MEDICAID" MEANS BENEFITS UNDER THE PROGRAM FOR MEDICAL ASSISTANCE
10 ESTABLISHED UNDER TITLE XIX OF THE SOCIAL SECURITY ACT, 42 USC 1396
11 TO 1396V, AND ADMINISTERED BY THE DEPARTMENT OF COMMUNITY HEALTH
12 UNDER THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B.

13 (4) ~~(2)~~—If medical care or treatment is provided to an
14 individual described in subsection (1), the health care provider
15 shall make a reasonable effort to determine whether that individual
16 is covered by a health care policy, a certificate of insurance, or
17 other source for the payment of medical expenses. If the county
18 sheriff who has custody over the individual is aware that the
19 individual is covered by any health care policy, certificate of
20 insurance, or other source of payment, the sheriff shall provide
21 that information to the health care provider. If the health care
22 provider determines that the individual, at the time of admission
23 or treatment, is a medicaid recipient or a beneficiary of any
24 health care policy, certificate of insurance, or other source for
25 the payment of some or all of those expenses, the health care
26 provider shall first seek reimbursement from that source, subject
27 to the terms and conditions of the applicable health care policy,

1 certificate of insurance, or medicaid contract, before submitting
2 those expenses to the county. When submitting an invoice to the
3 county for the payment of medical expenses under this section, a
4 health care provider shall provide a statement that the health care
5 provider has made a reasonable effort to determine whether the
6 individual was covered by a health care policy, certificate of
7 insurance, or other source for the payment of medical expenses. A
8 county may enter into agreements with health care providers to
9 establish procedures for the submission of invoices for medical
10 expenses under this section and the payment of those invoices. **A**
11 **COUNTY'S LIABILITY FOR MEDICAL CARE OR SERVICES UNDER SUBSECTION**
12 **(1) DOES NOT CONSTITUTE COVERAGE BY A HEALTH PLAN FOR PURPOSES OF**
13 **PRIVATE HEALTH INSURANCE OR PARTICIPATION IN INDIGENT CARE**
14 **AGREEMENTS, AND DOES NOT RELIEVE PRIVATE HEALTH INSURANCE PROVIDERS**
15 **FROM ANY OBLIGATIONS UNDER A POLICY OF HEALTH INSURANCE.**

16 Sec. 4a. (1) Except as provided in ~~subsection (2)~~ **THIS SECTION**
17 and sections 5 and 5a, all charges and expenses of safekeeping and
18 maintaining persons in the county jail charged with violations of
19 city, village, or township ordinances shall be paid from the county
20 treasury if a district court of the first or second class has
21 jurisdiction of the offense.

22 **(2) IF MEDICAL CARE OR TREATMENT IS PROVIDED TO AN INDIVIDUAL**
23 **DESCRIBED IN SUBSECTION (1) WHILE THAT INDIVIDUAL IS IN THE**
24 **PHYSICAL CUSTODY OF A LAW ENFORCEMENT AGENCY OTHER THAN THE COUNTY**
25 **SHERIFF'S DEPARTMENT, OR THE STATE DEPARTMENT OF CORRECTIONS, THE**
26 **COST OF THAT MEDICAL CARE OR TREATMENT IS THE RESPONSIBILITY OF THE**
27 **LAW ENFORCEMENT AGENCY OR DEPARTMENT THAT HAS PHYSICAL CUSTODY OF**

1 THE INDIVIDUAL WHEN THE COST IS INCURRED.

2 (3) THE MEDICAL CARE OR TREATMENT THAT THE COUNTY IS LIABLE
3 FOR UNDER SUBSECTION (1) IS LIMITED TO THOSE MEDICAL CARE OR
4 TREATMENT SERVICES THAT THE STATE WOULD PROVIDE TO ELIGIBLE
5 RECIPIENTS UNDER THE MEDICAID PROGRAM. AS USED IN THIS SUBSECTION,
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8 TO 1396V, AND ADMINISTERED BY THE DEPARTMENT OF COMMUNITY HEALTH
9 UNDER THE SOCIAL WELFARE ACT, 1939 PA 280, MCL 400.1 TO 400.119B.

10 (4) ~~(2)~~—If medical care or treatment is provided to an
11 individual described in subsection (1), the health care provider
12 shall make a reasonable effort to determine whether that individual
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14 other source for the payment of medical expenses. If the county
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