

HB 131-FN-LOCAL – AS INTRODUCED

2013 SESSION

13-0273  
04/09

HOUSE BILL            ***131-FN-LOCAL***

AN ACT                relative to payment for medical services for county prisoners.

SPONSORS:            Rep. J. Belanger, Hills 27; Rep. Shurtleff, Merr 11

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill further defines the term “hospital” in the context of medical services for county prisoners and allows the superintendent of a county correctional facility to negotiate medical service rate agreements for the provision of medical services to county prisoners.

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Explanation:          Matter added to current law appears in ***bold italics***.  
                                Matter removed from current law appears [~~in brackets and struck through.~~]  
                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT relative to payment for medical services for county prisoners.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 1 Medical Services for County Prisoners. Amend RSA 623-C:1 to read as follows:

2 623-C:1 Medical Services for County Prisoners.

3 I.(a) Except as provided in subparagraphs (b) through (f), no hospital or emergency room  
4 shall charge a county or its agent more than 110 percent of the medicare allowable rate for inpatient,  
5 **outpatient**, or emergency room care provided for prisoners in county correctional facilities.

6 (b) Allowances provided by hospitals shall qualify as community benefits under  
7 RSA 7:32-d, III(b).

8 (c) Hospitals reported by the department of health and human services as having a  
9 negative operating margin in the most recent year for which hospital-audited financial data is  
10 available shall charge no more than 125 percent of the medicare rate.

11 (d) The superintendent of a county correctional facility may waive the application of  
12 subparagraph (a) if the superintendent determines such action is necessary to ensure prisoner access  
13 to medically necessary care.

14 (e) The superintendent of a county correctional facility may waive the application of  
15 subparagraph (a) if the superintendent determines such action to be necessary for the efficient  
16 operations of the county correctional facility.

17 (f) Nothing in this paragraph shall require a hospital to admit any person.

18 II. Pharmacists shall substitute generically equivalent drug products for all legend and non-  
19 legend prescriptions paid for by the county department of corrections, including the medicaid  
20 program, unless the prescribing practitioner specifies that the brand name drug product is medically  
21 necessary. Such notification shall be in the practitioner's own handwriting and shall be retained in  
22 the pharmacist's file. The superintendent may waive the application of RSA 623-C:1, I if the  
23 superintendent determines such action is necessary to ensure the availability of prescription and  
24 other pharmaceutical services to persons served by the county or to avert serious economic hardship  
25 in the provision of prescriptions and other pharmaceutical services. The county commissioners shall  
26 adopt necessary rules and regulations to implement this paragraph.

27 **III. In this section, "hospital" shall include ambulatory and specialty-medical**  
28 **service centers licensed under RSA 151, and shall also include, but not be limited to,**  
29 **surgical, rehabilitation, long-term, oncology, and dialysis centers, but shall not include**  
30 **physician practices or community health care clinics.**

31 **IV. Nothing in this section shall prohibit the superintendent of a county**

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- 1 *correctional facility from negotiating and executing medical service rate agreements with*  
2 *a hospital for the provision of medical services to county prisoners.*  
3       2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
13-0273  
12/11/12

**HB 131-FN-LOCAL - FISCAL NOTE**

AN ACT                    relative to payment for medical services for county prisoners.

**FISCAL IMPACT:**

The New Hampshire Association of Counties states this bill, **as introduced**, may decrease county expenditures by an indeterminable amount in FY 2012 and each year thereafter. There is no fiscal impact on state and local expenditures, or state, county and local revenue.

**METHODOLOGY:**

The New Hampshire Association of Counties states this bill enables the county departments of correction to negotiate rates for the provision of medical services to inmates in addition to hospital inpatient and emergency room care through ambulatory and specialty-medical service centers. The Association is not able to determine the actual impact on county expenditures but expects the authorized negotiations will decrease county expenditures as it relates to inmate medical care.