

**CHAPTER 85**  
**HB 432-FN – FINAL VERSION**

6Mar2013... 0324h  
27Mar2013... 0907h

2013 SESSION

13-0602  
04/01

HOUSE BILL            ***432-FN***

AN ACT                relative to health care costs for county and state inmates.

SPONSORS:            Rep. Pantelakos, Rock 25; Rep. Shurtleff, Merr 11; Rep. Charron, Rock 4

COMMITTEE:          Health, Human Services and Elderly Affairs

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ANALYSIS

This bill amends the procedures for reimbursement by the county and state departments of corrections for the costs of inmate medical care.

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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                                Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 health care costs for county and state inmates.

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

1 85:1 Medical Services for County Prisoners. Amend RSA 623-C:1, I to read as follows:

2 I.(a) Except as provided in subparagraphs (b) through ~~[(f), no hospital or emergency room~~  
3 ~~shall charge a county or its agent]~~ **(g), the county department of corrections or its agent shall**  
4 **pay health care facilities licensed pursuant to RSA 151 no** more than 110 percent of the  
5 Medicare allowable rate for inpatient, **outpatient**, or emergency room care provided for prisoners in  
6 county correctional facilities.

7 (b) **Except as provided in subparagraphs (c) through (e), and subparagraph (i),**  
8 **the county department of corrections or its agent shall pay independent health care**  
9 **providers licensed in this state no more than 125 percent of the Medicare allowable rate for**  
10 **care provided for prisoners in county correctional facilities.**

11 (c) Allowances provided by hospitals shall qualify as community benefits under RSA  
12 7:32-d, III(b).

13 ~~[(e)]~~ **(d) [Hospitals] The county department of corrections shall pay health care**  
14 **facilities licensed pursuant to RSA 151 and** reported by the department of health and human  
15 services as having a negative operating margin in the most recent year for which ~~[hospital audited]~~  
16 **audited** financial data is available ~~[shall charge]~~ no more than 125 percent of the Medicare rate.

17 ~~[(d)]~~ **(e) Nothing in this section shall preclude the superintendent of a county**  
18 **correctional facility from negotiating and executing medical service rate agreements with**  
19 **health care facilities licensed pursuant to RSA 151, or other licensed medical providers,**  
20 **for the provision of medical or dental services to county prisoners at the lowest rate**  
21 **possible, or utilizing rates in existing agreements.**

22 (f) The superintendent of a county correctional facility may waive the application of  
23 subparagraph (a) if the superintendent determines such action is necessary to ensure prisoner access  
24 to medically necessary care.

25 ~~[(e)]~~ ~~The superintendent of a county correctional facility may waive the application of~~  
26 ~~subparagraph (a) if the superintendent determines such action to be necessary for the efficient~~  
27 ~~operations of the county correctional facility.~~

28 ~~[(f)]~~ ~~Nothing in this paragraph shall require a hospital to admit any person]~~

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1           ***(g) The superintendent of a county correctional facility may waive the***  
2 ***application of subparagraph (a) if the superintendent determines such action to be***  
3 ***necessary for the efficient operations of the county correctional facility.***

4           ***(h) The superintendent of a county correctional facility may at any time audit***  
5 ***any claim or seek clarification on any payment made pursuant to this section, or both.***  
6 ***Upon request by the superintendent, the provider shall furnish information on pricing***  
7 ***methodology and shall detail any internal process controls for ensuring accurate pricing***  
8 ***of claims processed under this section. Claim information shall be provided in the***  
9 ***industry standard format, including but not limited to the application of global surgery***  
10 ***provisions, billing for surgical assistants, and bundling.***

11           ***(i) If a county prisoner’s medical care is covered by Medicaid, the health care***  
12 ***facility licensed pursuant to RSA 151, or the licensed health care provider, or both, shall be***  
13 ***paid at the Medicaid rate for services provided.***

14           85:2 Medical Services for State Prisoners. Amend RSA 623-C:2, I and II to read as follows:

15           I.(a) Except as provided in subparagraphs (b) through ~~[(d)]~~ ***(f)***, the ***state*** department of  
16 corrections or its agent shall pay health care facilities ~~[and hospitals]~~ ***licensed pursuant to RSA***  
17 ***151 no more than*** 110 percent of the Medicare allowable rate for inpatient, outpatient, or  
18 emergency room care provided for prisoners in state correctional facilities. ~~[In this chapter, “health~~  
19 ~~care facilities” mean ambulatory and specialty medical services centers licensed under RSA 151, and~~  
20 ~~shall include but not be limited to surgical, rehabilitation, long term, oncology, and dialysis centers,~~  
21 ~~but shall not include physician practices and community health care clinics.]~~

22           ***(b) Except as provided in subparagraphs (c) through (e), and subparagraph (h),***  
23 ***the state department of corrections or its agent shall pay independent health care***  
24 ***providers licensed in this state no more than 125 percent of the Medicare allowable rate for***  
25 ***care provided for prisoners in state correctional facilities.***

26           ***(c) Allowances provided by hospitals shall qualify as community benefits under RSA***  
27 ***7:32-d, III(b).***

28           ***(d) The state department of corrections shall pay health care facilities licensed***  
29 ***pursuant to RSA 151 and reported by the department of health and human services as***  
30 ***having a negative operating margin in the most recent year for which audited financial***  
31 ***data is available no more than 125 percent of the Medicare rate.***

32           ~~[(e)]~~ ***(e)*** The commissioner of the ***state*** department of corrections may waive the  
33 application of subparagraph (a) if the commissioner determines such action is necessary to ensure  
34 prisoner access to medically necessary care.

35           ~~[(d)]~~ ***(f)*** The commissioner of the ***state*** department of corrections may waive the  
36 application of subparagraph (a) if the commissioner determines such action to be necessary for the

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1 efficient operations of the state correctional facility.

2           ***(g) The commissioner of the state department of corrections may at any time***  
3 ***audit any claim or seek clarification on any payment made pursuant to this section, or***  
4 ***both. Upon request by the commissioner, the provider shall furnish information on pricing***  
5 ***methodology and shall detail any internal process controls for ensuring accurate pricing***  
6 ***of claims processed under this section. Claim information shall be provided in the***  
7 ***industry standard format, including but not limited to the application of global surgery***  
8 ***provisions, billing for surgical assistants, and bundling.***

9           ***(h) If a state prisoner’s medical care is covered by Medicaid, the facility or the***  
10 ***licensed health care provider, or both, shall be paid at the Medicaid rate for services***  
11 ***provided.***

12           II. Nothing in this section shall preclude the commissioner of the ***state*** department of  
13 corrections from ~~[having the discretion to negotiate and execute]~~ ***negotiating and executing***  
14 ***medical service rate agreements with [hospitals or] health care facilities licensed pursuant to RSA***  
15 ***151, or other licensed medical providers,*** for the provision of medical ***or dental*** services to state  
16 prisoners at the lowest rate possible, or utilizing rates in existing agreements.

17           85:3 Effective Date. This act shall take effect July 1, 2013.

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19 Approved: June 19, 2013

20 Effective Date: July 1, 2013