



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 060180

Introduced March 9, 2006

Councilmember Kenney

**Referred to the
Committee on Public Health and Human Services**

AN ORDINANCE

Amending Title 6 of The Philadelphia Code by adding Chapter 6-1000, relating to inmate medical services and providing for the payment of fees by inmates for chargeable medical services; all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 6 of The Philadelphia Code is hereby amended by adding Section 6-1000, relating to inmate medical services, as follows:

TITLE 6. HEALTH CODE.

* * *

CHAPTER 6-1000. INMATE MEDICAL SERVICES.

Section 6-1001. Definitions.

A. "Chargeable Medical Service." Any medical service for which an inmate must pay a medical services fee.

B. "Department." The Philadelphia Prison System.

C. "Fee." The portion of the actual cost of a medical service that is charged to the inmate.

D. "Health Care Professional." Any physician, physician assistant, nurse, dentist, optometric professional or other person licensed to provide health care under the laws of the Commonwealth.

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E. “Medical Emergency.” Any injury or other medical problem that requires immediate medical treatment.

F. “Medical Service.” The diagnosis, evaluation, treatment or preservation of the health of the human body, including its organs, structures, and systems. The term “medical service” shall include, but not be limited to, diagnostic testing, prescribing and administering medication, surgical procedures, dental care, eye care, the furnishing of prosthetics and any other type of treatment or preventive care, whether performed on an inpatient or outpatient basis.

Section 6-1002. Inmate Payment For Medical Services.

A. Except as provided in subsection E. below, all inmates of city penal, reformatory or correctional institutions shall be charged a nominal co-payment fee for the provision of medical services. An inmate who has medical insurance shall pay for his/her own medical needs through that insurance.

B. No inmate shall be denied medical services due to a record of non-payment or current inability to pay the co-payment fee.

C. An inmate of city penal, reformatory or correctional institutions shall pay a fee, in an amount set by the Commissioner of the Philadelphia Prison System, for:

(1) any non-emergency medical service provided at the inmate’s request;

(2) any medical service, including emergency medical service, provided to an inmate in the following situations:

(a) when the injury or illness is self-inflicted;

(b) when the injury or illness arises from the inmate’s participation in a sport; or

(c) when the inmate is found guilty of a misconduct for the assault or injury of another inmate.

(3) any medical service provided to determine whether the inmate’s physical condition is suitable for participation in a sport unless such medical service is provided as part of an inmate’s routine medical screening/physical examination scheduled by the Department.

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D. An inmate of city penal, reformatory or correctional institutions shall pay a fee, in an amount set by the Commissioner of the Philadelphia Prison System, for initial medication prescription except as provided in Section E. (b), (n), (r), and (s) below.

E. The following medical services shall not result in a charge to the inmate:

- (a) physical, dental or mental health screening provided to an inmate upon intake;*
- (b) immunizations, tuberculosis testing, and other treatments instituted by the Department for public health reasons;*
- (c) facility transfer screening;*
- (d) routine physical, dental and mental health screening performed at the request of the Department;*
- (e) medical service provided to an inmate during a follow-up appointment scheduled by a health care professional employed by the Department or its contractors;*
- (f) mental health treatment;*
- (g) medical service provided to an inmate who suffers from a chronic disease or illness;*
- (h) infirmary care in a Department facility;*
- (i) hospitalization outside a Department facility;*
- (j) long-term care for an inmate not in need of hospitalization, but whose needs are such that they can only be met on a long-term basis or through personal or skilled care and who needs the care because of age, illness, disease, injury, convalescence or physical or mental infirmity;*
- (k) medical referral ordered by a health care professional employed by the Department or its contractors;*
- (l) medical service provided to an inmate during a medical emergency, unless the medical emergency resulted from a self-inflicted injury or illness as determined by the health care professional providing the medical service;*
- (m) laboratory tests, electrocardiogram, dressing change or other treatment ordered by a health care professional employed by the Department or its contractors;*
- (n) prenatal care;*
- (o) medical service provided as a result of an injury or illness arising from an inmate's facility work assignment;*
- (p) medication prescription subsequent to the initial medication prescription provided to an inmate for the same illness or condition;*
- (q) social service programs including, but not limited to, substance abuse groups and counseling;*
- (r) psychotropic medications;*
- (s) medication prescribed for public health reasons;*

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(t) medical service provided to an inmate to determine whether his/her physical condition is suitable for a facility work assignment;

(u) eyeglass prescriptions;

(v) dentures;

(w) prosthetic devices, excluding customized items; and

(x) medical service provided for the diagnosis and treatment of contagious disease.

F. An inmate shall be required to pay the entire cost of medical services provided to another inmate as a result of the inmate's assaultive conduct and shall forfeit the right to a minimum balance in his/her account as provided for in Section 6-1003 D.

Section 6-1003. Operation of the Medical Services Program.

A. Each inmate shall be advised of the medical services fees and payment procedures at the time of the initial intake medical screening.

B. Each inmate shall receive written notice of any changes in medical service fees and payment procedures no more than 60 days after the effective date of an ordinance, regulation or executive order that modifies the fee for medical services and payment procedures.

C. Prior to the provision of a medical service, the health care staff shall inform the inmate whether a fee will be charged for the medical service. A fee will be assessed each time a chargeable medical service is provided to an inmate, except when multiple services are performed during the same visit or for the same circumstance.

D. Fees shall not be collected from the inmate by a medical service provider at the time of service. All fees shall be collected by the Department subsequent to the provision of chargeable medical services. If an inmate lacks sufficient funds to pay the medical service fee, his/her account will be debited and the fee recouped in accordance with the Department's policies for the collection of inmate debts. At no time shall the collection or recoupment of fees under this Chapter result in the amount of funds present in an inmate's account falling below a minimum balance, in an amount set by the Commissioner of the Philadelphia Prison System.

E. An inmate who refuses to sign an authorization to withdraw funds from his/her account, who does not sign a refusal of treatment form, and who accepts medical treatment will receive the services and his/her account will be debited, in accordance with Department policy.

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F. The Department may seek to recover any amount owed for medical services fees from an inmate who is released from the Department through a civil action brought within one year of the inmate's release.

(a) The Department shall have the burden to prove the amount owed.

(b) An offender's inability to pay as determined by the court shall be a defense to the payment of part or all of the fees.

Section 6-1004. Private Medical Insurance.

A. An inmate who has private medical insurance or VA health care benefits shall pay for his/her own medical needs through the insurance.

B. At the time of reception each inmate will be asked whether or not he/she has private medical insurance. If so, the appropriate information will be recorded in the inmate's medical record.

C. The inmate's insurance company shall be billed whenever medical services are provided. The inmate shall cooperate with the Department in submitting information to the insurance company.

D. The insurance payment shall be paid to the Department for deposit in the General Fund.

Section 6-1005. Suspension During Emergency.

In an emergency or extended disruption of normal facility operation, the Prisons Commissioner may suspend any provision or section of this Chapter for a specified period.

Section 6-1006. Rights Under This Policy.

This Ordinance does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This Ordinance should be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purpose of the policies of the Department.

Section 6-1007. Statistical Research on Access to Needed Care.

The Department shall track the incidence of disease and all other health related problems prior to and following the implementation of this Chapter. On June 1st of each year, the Department shall prepare and deliver a report to Council which compares the

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level of infections and other adverse outcome indicators, incidents of delayed diagnosis and treatment of serious medical problems amongst inmates which existed at the time this Chapter was enacted to the level that currently exists over the past twelve month period.

SECTION 2. Section 6-1007 of this Ordinance shall be effective immediately. The remaining sections of this Ordinance shall take effect 60 days after enactment.

Explanation:

Italics indicate new matter added.