

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
245**

INMATE MEDICAL CHARGES

Supersedes: AR 245 (06/17/12); (08/11/14, Temporary); 09/16/14; (05/18/18, Temporary)
Effective Date: 06/18/18, Temporary
AUTHORITY: NRS 209.131; 209.221; 209.246; 209.247; 209.463; and NRS 428.015.

PURPOSE

To ensure any charge to any inmate account for medical is consistent with all federal and state regulations. The criteria for eligibility of use for the Inmate Welfare Account for inmate medical charges or deductions from an inmate's savings or trust accounts for medical charges is specific to Administrative Regulation 245, and should not be transferred or applied to other regulations.

RESPONSIBILITY

The Director is responsible for the administration of all regulations.

The Deputy Director of Support Services is responsible to ensure the implementation of this regulation.

The Medical Director is responsible for the compliance with federal, state and administrative regulations.

DEFINITIONS

Non-exempt examinations or treatments – Those medical appointments (either in the institution or with an outside medical provider) that are not listed as being exempt either in *Support Services (SS) – 0041* or in operational procedures at the institutions based on medical necessity.

Insufficient Income – A measure of income issued as set forth annually by the Department of Health and Human Services (HHS), defined as income that is at or below 138% FPL for the Medicaid childless adult population.

Insufficient Resources – Resources are defined as those assets, both real and personal, which an individual owns and can apply, either directly or by sale, to meet basic needs of food, clothing, shelter, and medical costs. Insufficient resources for inmate medical charges is \$2,000 which follows the resource limits for home based waivers and institutional groups in the State of Nevada, Department of Health and Human Services, Division of Welfare and Supportive Services, *Medical Assistance Manual*.

245.01 CHARGES FOR MEDICAL SERVICES

1. Inmates will be charged a fee for each visit to a medical provider for all non-exempt examinations or treatments. Voluntarily missed appointments will still incur a charge.
 - A. Upon arrival at the facility, all inmates are informed about how to access health services and the grievance system. This information is communicated orally and in writing.
 - B. All inmates are advised, in writing, at the time of admission to the facility of the guidelines of the copayment program.
 - C. Inmates will be charged 100% in advance, and shall have the funds available in the Trust Accounts of their individual Prisoners' Personal Property Fund (PPF), for the cost of any approved elective procedure and related costs that are not considered medically necessary by the Department medical staff.
2. Inmates will be charged a fee for each medically necessary prosthetic device or appliance received. A fee will also be charged to offset any repair costs. If the prosthetic device/appliance is lost, stolen, or abused, the inmate may be responsible for 100% of the replacement cost.
 - A. Inmates will be charged 100% in advance, and shall have the funds available in the Trust Accounts of their individual PPF, for the cost of any prosthetic device/appliance, which is not medically required, subject to the appropriate approvals.
3. Inmates will be charged a fee for copies of their own medical records.
4. Inmates will be charged a fee for each case review, whenever a Department provider is involved in the review process.
5. Inmates who are in the custody of the Department from sending states under the Interstate Corrections Compact (ICC) shall be subject to any medical charges as provided for under Nevada statutory requirements concerning health care, unless superseded by a specific contract. NDOC inmates who are in the custody of another state (receiving state) under the provisions of the ICC shall be subject to medical charges as provided for under the receiving state's statutory requirements concerning health care, unless superseded by a specific contract.
6. No inmate will be refused medical services for lack of financial resources to pay for medical examinations or treatments.

245.02 CHARGES FOR ALTERCATIONS, RECREATIONAL INJURIES OR SELF-INFLICTED INJURIES

1. Inmates will be charged for the cost for medical examination, diagnosis, or treatment for injuries which result from altercations, recreational injuries, or self-inflicted injuries.
2. Fees will be charged for all injury-related care provided inside the institution, including but not limited to, nurse visits, doctor visits, pharmaceuticals, infirmary time, and mental health unit time, not related to injuries related to a mental health condition.
3. Inmates will be charged for the cost of all other injury related expenses incurred by the Department outside the institution/facility such as, but not limited to, ambulance service, hospitalization, pharmaceuticals, diagnostic, and surgical procedures. If the costs related to hospitalization are covered by Medicaid, the inmate would be responsible to pay for the portion payable by the Department.

245.03 CHARGES FOR MEDICAL CARE BY OUTSIDE MEDICAL PROVIDERS AND ENTITIES

1. When a fiscal year financial shortfall is identified prior to the close of the fiscal year accounting, inmates will be charged a portion of the cost as defined in the Medical Operation Procedure of their own medical appointments with outside providers for medical or dental care, to include expenses for prescribed medicine and supplies to defray a portion of the costs when a financial shortfall in the Medical Division's budget occurs. The portion of the cost charged to the inmate must be a percentage equal to the percentage of the budget shortfall.

245.04 REIMBURSEMENT OF MEDICAL EXPENSES

1. The inmate's Trust Accounts of his or her individual PPF, through the Inmate Banking Section, will reimburse the Medical Division for all authorized inmate medical expenses pursuant to sections 245.01 and 245.02 in this regulation.
 - A. If an inmate has insufficient resources in his or her Trust Accounts at the time the medical costs are posted by the Inmate Banking Section, the costs will be posted as department charges.
 - a. The inmate shall sign a statement under penalty of perjury concerning his or her financial situation; and
 - b. The costs will be posted as department charges.
 - B. The Medical Division will be reimbursed for these department charges by the Inmate Welfare Account after it has been determined by the Inmate Banking Section sufficient funds are available for the reimbursement taking into consideration prior debts, such as legislatively mandated expenses, and contractual obligations.

- C. Reimbursement will be made to the Inmate Welfare Account, through the Inmate Banking Section, from the inmate's PPF in accordance with AR 258.
2. The inmate's Trust Accounts of his or her individual PPF, through the Inmate Banking Section, will reimburse the Medical Division for authorized inmate medical expenses pursuant to section 245.03 of this regulation when the inmate has sufficient income and sufficient resources, subject to NRS 209.246. For the purpose of NRS 209.221(5) and 209.246(2), an inmate shall be deemed to have insufficient money in the Inmate's Trust Account of his or her individual PPF and no money may be determined to be available in such account so long as the inmate has insufficient income and insufficient resources.
- A. If an inmate has insufficient money in his or her Trust Accounts at the time the medical costs are posted by the Inmate Banking Section, the costs will not be posted as department charges.
 - B. If an inmate has sufficient income, but has insufficient resources in his or her Trust Accounts at the time the medical costs are posted by the Inmate Banking Section, the costs will be posted as department charges.
 - C. The Medical Division will be reimbursed for these department charges from the Inmate Welfare Account after it has been determined by Inmate Banking Section sufficient funds are available for the reimbursement taking into consideration prior debts, such as legislatively mandated expenses, and contractual obligations.
 - D. If an inmate has sufficient income or sufficient resources, reimbursement will be made to the Inmate Welfare Account. Reimbursement will be made to the Inmate Welfare Account, through the Inmate Banking Section, from the inmate's PPF in accordance with AR 258.

APPLICABILITY

- 1. This regulation requires an Operational Procedure for the Support Services Division and the Medical Division.
- 2. This regulation requires an audit.

REFERENCES

ACA Standard 4th Edition: 4-4344 and 4-4345; and the State of Nevada Medicaid Eligibility Manual


James Dzurenda, Director

6/18/18
Date