

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATOR RATH**

**Re: Supporting New York State Senate Bill S. 1894 and New York State Assembly Bill 6205,  
Requiring Inmates to Make Medical Co-Payments**

WHEREAS, the cost for providing medical care has increased exponentially over the past several years, including prescription medications and in-jail medical treatment; and

WHEREAS, these increased costs to counties have not been matched by corresponding state and federal aid sufficient to cover these increased costs; and

WHEREAS, more effective medical care for prisoners could be provided by increasing resources available to provide care, as well as by reducing caseload caused by frivolous medical claims; and

WHEREAS, requiring inmates to remit seven dollar co-payments for medical services and products would serve to reduce frivolous medical claims and provide additional resources to operate prison facilities; and

WHEREAS, inmates have demonstrated an ability to spend money while in prison, as indicated by their spending on commissary items and telephone service that has been the frequent topic of discussion at the Erie County Legislature's Public Safety Committee meetings; and

WHEREAS, imposing a seven dollar co-payment would also provide an educational component, preparing inmates for life upon the completion of their sentence; and

WHEREAS, it is acknowledged in the Assembly and Senate Bills that an inmate shall never be refused treatment for a lack of ability to remit co-payment charges.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Erie County Legislature hereby supports passage and implementation of New York Senate Bill S. 1894 and New York State Assembly Bill 6205; and be it further

**RESOLVED**, that a certified copy of this resolution be forwarded to Governor Andrew Cuomo, Assembly Speaker Sheldon Silver, Senate Majority Leaders Dean Skelos and Jeffrey Klein and the local delegation to the New York State Legislature.

**Fiscal Impact: Positive for Erie County taxpayers.**

## S T A T E O F N E W Y O R K

1894

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. NOZZOLIO -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to requiring inmates to make medical co-payments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The correction law is amended by adding a new section 607  
2 to read as follows:

3 S 607. MEDICAL TREATMENT CO-PAYMENT. 1. AN INMATE OF AN INSTITUTION OF  
4 THE DEPARTMENT OR ANY COUNTY-OWNED OR OPERATED LOCAL CORRECTIONAL FACIL-  
5 ITY SHALL MAKE A MEDICAL CO-PAYMENT IN THE AMOUNT OF SEVEN DOLLARS UPON  
6 RECEIPT OF MEDICAL TREATMENT.

7 2. EACH INMATE SHALL BE REQUIRED TO SIGN A LOG DOCUMENTING THE SCHED-  
8 ULED TIME OF VISIT, INMATE NAME AND ID NUMBER AND DESCRIPTION OF  
9 COMPLAINT.

10 3. EACH MEDICAL CO-PAYMENT SHALL BE POSTED TO THE INMATES' ACCOUNTS  
11 EITHER AS MEDICAL OR DENTAL CHARGES TO FACILITATE RESPONSE TO INMATE  
12 QUERIES.

13 4. EACH INMATE SHALL BE SENT AN ACCOUNT STATEMENT AT THE END OF EACH  
14 MONTH SHOWING ALL CREDITS AND DEBITS AGAINST THE ACCOUNT AND ACCOMPANY-  
15 ING EXPLANATIONS.

16 5. SHOULD AN INMATE NOT HAVE SUFFICIENT FUNDS IN HIS OR HER ACCOUNT TO  
17 COVER THE CHARGES, THEN HIS OR HER ACCOUNT SHALL BE FROZEN PENDING  
18 RECEIPT OF FUNDS SUFFICIENT TO SATISFY HIS OR HER OBLIGATION.

19 6. AN INMATE SHALL NOT BE REFUSED TREATMENT FOR LACK OF ABILITY TO PAY  
20 CO-PAYMENT CHARGES. THE CHARGE IS ASSESSED AFTER COMPLETION OF THE VISIT  
21 WHEN THE VISIT LOG IS PROCESSED.

22 7. INMATES ARE NOT ASSESSED CO-PAYMENT CHARGES FOR PSYCHIATRIC VISITS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD01460-01-3

S. 1894

2

1 8. FEDERAL INMATES WILL BE BILLED DIRECTLY TO THE JURISDICTION WHICH  
2 WAS AGREED TO BY THE FEDERAL AGENCY. SUBSEQUENTLY FEDERAL BOARDERS WILL  
3 NOT BE ASSESSED CO-PAYMENT IF THAT JURISDICTION IS PAYING THE DEPARTMENT  
4 A SPECIFIC PER DIEM TO HOUSE EACH INMATE.

5 9. ALL MONEYS COLLECTED PURSUANT TO THIS SECTION WILL BE MADE AVAIL-  
6 ABLE FOR THE OPERATION OF THE CORRECTIONAL FACILITY.

7 10. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY  
8 FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

9 S 2. This act shall take effect on the one hundred twentieth day after  
10 it shall have become a law, except that any rule or regulation necessary  
11 for the timely implementation of this act on its effective date shall be  
12 promulgated on or before such date.

S T A T E O F N E W Y O R K

6205

2013-2014 Regular Sessions

I N A S S E M B L Y

March 15, 2013

Introduced by M. of A. TEDISCO, KOLB -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to requiring inmates to make medical co-payments

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The correction law is amended by adding a new section 607  
2 to read as follows:

3 S 607. MEDICAL TREATMENT CO-PAYMENT. 1. AN INMATE OF AN INSTITUTION OF  
4 THE DEPARTMENT OR ANY COUNTY-OWNED OR OPERATED LOCAL CORRECTIONAL FACIL-  
5 ITY SHALL MAKE A MEDICAL CO-PAYMENT IN THE AMOUNT OF SEVEN DOLLARS UPON  
6 RECEIPT OF MEDICAL TREATMENT.

7 2. EACH INMATE SHALL BE REQUIRED TO SIGN A LOG DOCUMENTING THE SCHED-  
8 ULED TIME OF VISIT, INMATE NAME AND ID NUMBER AND DESCRIPTION OF  
9 COMPLAINT.

10 3. EACH MEDICAL CO-PAYMENT SHALL BE POSTED TO THE INMATES' ACCOUNTS  
11 EITHER AS MEDICAL OR DENTAL CHARGES TO FACILITATE RESPONSE TO INMATE  
12 QUERIES.

13 4. EACH INMATE SHALL BE SENT AN ACCOUNT STATEMENT AT THE END OF EACH  
14 MONTH SHOWING ALL CREDITS AND DEBITS AGAINST THE ACCOUNT AND ACCOMPANY-  
15 ING EXPLANATIONS.

16 5. SHOULD AN INMATE NOT HAVE SUFFICIENT FUNDS IN HIS OR HER ACCOUNT TO  
17 COVER THE CHARGES, THEN HIS OR HER ACCOUNT SHALL BE FROZEN PENDING  
18 RECEIPT OF FUNDS SUFFICIENT TO SATISFY HIS OR HER OBLIGATION.

19 6. AN INMATE SHALL NOT BE REFUSED TREATMENT FOR LACK OF ABILITY TO PAY  
20 CO-PAYMENT CHARGES. THE CHARGE IS ASSESSED AFTER COMPLETION OF THE VISIT  
21 WHEN THE VISIT LOG IS PROCESSED.

22 7. INMATES ARE NOT ASSESSED CO-PAYMENT CHARGES FOR PSYCHIATRIC VISITS.

23 8. FEDERAL INMATES WILL BE BILLED DIRECTLY TO THE JURISDICTION WHICH  
24 WAS AGREED TO BY THE FEDERAL AGENCY. SUBSEQUENTLY FEDERAL BOARDERS WILL

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD01460-01-3

A. 6205

2

1 NOT BE ASSESSED CO-PAYMENT IF THAT JURISDICTION IS PAYING THE DEPARTMENT  
2 A SPECIFIC PER DIEM TO HOUSE EACH INMATE.

3 9. ALL MONEYS COLLECTED PURSUANT TO THIS SECTION WILL BE MADE AVAIL-  
4 ABLE FOR THE OPERATION OF THE CORRECTIONAL FACILITY.

5 10. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY  
6 FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION.

7 S 2. This act shall take effect on the one hundred twentieth day after  
8 it shall have become a law, except that any rule or regulation necessary  
9 for the timely implementation of this act on its effective date shall be  
10 promulgated on or before such date.