

106TH CONGRESS
1ST SESSION

S. 704

AN ACT

To amend title 18, United States Code, to combat the overutilization of prison health care services and control rising prisoner health care costs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Prisoner
5 Health Care Copayment Act of 1999”.

1 **SEC. 2. HEALTH CARE FEES FOR PRISONERS IN FEDERAL**
 2 **INSTITUTIONS.**

3 (a) IN GENERAL.—Chapter 303 of title 18, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 4048. Fees for health care services for prisoners**

7 “(a) DEFINITIONS.—In this section—

8 “(1) the term ‘account’ means the trust fund
 9 account (or institutional equivalent) of a prisoner;

10 “(2) the term ‘Director’ means the Director of
 11 the Bureau of Prisons;

12 “(3) the term ‘health care provider’ means any
 13 person who is—

14 “(A) authorized by the Director to provide
 15 health care services; and

16 “(B) operating within the scope of such
 17 authorization;

18 “(4) the term ‘health care visit’—

19 “(A) means a visit, as determined by the
 20 Director, initiated by a prisoner to an institu-
 21 tional or noninstitutional health care provider;
 22 and

23 “(B) does not include a visit initiated by a
 24 prisoner—

25 “(i) pursuant to a staff referral; or

1 “(ii) to obtain staff-approved follow-
2 up treatment for a chronic condition; and

3 “(5) the term ‘prisoner’ means—

4 “(A) any individual who is incarcerated in
5 an institution under the jurisdiction of the Bu-
6 reau of Prisons; or

7 “(B) any other individual, as designated by
8 the Director, who has been charged with or con-
9 victed of an offense against the United States.

10 “(b) FEES FOR HEALTH CARE SERVICES.—

11 “(1) IN GENERAL.—The Director, in accord-
12 ance with this section and with such regulations as
13 the Director shall promulgate to carry out this sec-
14 tion, may assess and collect a fee for health care
15 services provided in connection with each health care
16 visit requested by a prisoner.

17 “(2) EXCLUSION.—The Director may not as-
18 sess or collect a fee under this section for preventa-
19 tive health care services, emergency services, pre-
20 natal care, diagnosis or treatment of contagious dis-
21 eases, mental health care, or substance abuse treat-
22 ment, as determined by the Director.

23 “(c) PERSONS SUBJECT TO FEE.—Each fee assessed
24 under this section shall be collected by the Director from
25 the account of—

1 “(1) the prisoner receiving health care services
2 in connection with a health care visit described in
3 subsection (b)(1); or

4 “(2) in the case of health care services provided
5 in connection with a health care visit described in
6 subsection (b)(1) that results from an injury in-
7 flicted on a prisoner by another prisoner, the pris-
8 oner who inflicted the injury, as determined by the
9 Director.

10 “(d) AMOUNT OF FEE.—Any fee assessed and col-
11 lected under this section shall be in an amount of not less
12 than \$2.

13 “(e) NO CONSENT REQUIRED.—Notwithstanding any
14 other provision of law, the consent of a prisoner shall not
15 be required for the collection of a fee from the account
16 of the prisoner under this section.

17 “(f) NO REFUSAL OF TREATMENT FOR FINANCIAL
18 REASONS.—Nothing in this section may be construed to
19 permit any refusal of treatment to a prisoner on the basis
20 that—

21 “(1) the account of the prisoner is insolvent; or

22 “(2) the prisoner is otherwise unable to pay a
23 fee assessed under this section.

24 “(g) USE OF AMOUNTS.—

1 “(1) RESTITUTION TO SPECIFIC VICTIMS.—
2 Amounts collected by the Director under this section
3 from a prisoner subject to an order of restitution
4 issued pursuant to section 3663 or 3663A shall be
5 paid to victims in accordance with the order of res-
6 titution.

7 “(2) ALLOCATION OF OTHER AMOUNTS.—Of
8 amounts collected by the Director under this section
9 from prisoners not subject to an order of restitution
10 issued pursuant to section 3663 or 3663A—

11 “(A) 75 percent shall be deposited in the
12 Crime Victims Fund established under section
13 1402 of the Victims of Crime Act of 1984 (42
14 U.S.C. 10601); and

15 “(B) 25 percent shall be available to the
16 Attorney General for administrative expenses
17 incurred in carrying out this section.

18 “(h) REPORTS TO CONGRESS.—Not later than 1 year
19 after the date of enactment of the Federal Prisoner Co-
20 payment Act of 1999, and annually thereafter, the Direc-
21 tor shall submit to Congress a report, which shall
22 include—

23 “(1) a description of the amounts collected
24 under this section during the preceding 12-month
25 period; and

1 “(2) an analysis of the effects of the implemen-
 2 tation of this section, if any, on the nature and ex-
 3 tent of health care visits by prisoners.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
 5 ter 303 of title 18, United States Code, is amended by
 6 adding at the end the following:

 “4048. Fees for health care services for prisoners.”.

7 **SEC. 3. HEALTH CARE FEES FOR FEDERAL PRISONERS IN**
 8 **NON-FEDERAL INSTITUTIONS.**

9 Section 4013 of title 18, United States Code, is
 10 amended by adding at the end the following:

11 “(c) HEALTH CARE FEES FOR FEDERAL PRISONERS
 12 IN NON-FEDERAL INSTITUTIONS.—

13 “(1) IN GENERAL.—Notwithstanding amounts
 14 paid under subsection (a)(3), a State or local gov-
 15 ernment may assess and collect a reasonable fee
 16 from the trust fund account (or institutional equiva-
 17 lent) of a Federal prisoner for health care services,
 18 if—

19 “(A) the prisoner is confined in a non-Fed-
 20 eral institution pursuant to an agreement be-
 21 tween the Federal Government and the State or
 22 local government;

23 “(B) the fee—

24 “(i) is authorized under State law;
 25 and

1 “(ii) does not exceed the amount col-
2 lected from State or local prisoners for the
3 same services; and

4 “(C) the services—

5 “(i) are provided within or outside of
6 the institution by a person who is licensed
7 or certified under State law to provide
8 health care services and who is operating
9 within the scope of such license;

10 “(ii) constitute a health care visit
11 within the meaning of section 4048(a)(4)
12 of this title; and

13 “(iii) are not preventative health care
14 services, emergency services, prenatal care,
15 diagnosis or treatment of contagious dis-
16 eases, mental health care, or substance
17 abuse treatment.

18 “(2) NO REFUSAL OF TREATMENT FOR FINAN-
19 CIAL REASONS.—Nothing in this subsection may be
20 construed to permit any refusal of treatment to a
21 prisoner on the basis that—

22 “(A) the account of the prisoner is insol-
23 vent; or

- 1 “(B) the prisoner is otherwise unable to
2 pay a fee assessed under this subsection.”.

Passed the Senate May 27, 1999.

Attest:

Secretary.

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