

HCB 20 -- CORRECTIONS

SPONSOR: Roden

COMMITTEE ACTION: Voted "To Introduce" by the Standing Committee on Corrections and Public Institutions by a vote of 5 to 2. Voted "To Return to the Committee of Origin" by the Rules - Legislative Oversight Committee by a vote of 13 to 0.

HOSPITALS

This bill prohibits hospitals from denying treatment to inmates seeking medical care solely on the basis of the inmates' status as incarcerated individuals, and it requires hospitals to administer the same standard of medical care to inmates as they would to any other person with the same or similar medical condition. Hospitals are also required to pass on savings from contracts with Medicaid rates to the Department of Corrections. If a health care provider bypasses a closer hospital to receive a lower rate at a hospital farther away, the health care provider must pay the Department of Corrections for any increased cost for personnel and transportation of the inmate to the farther hospital (Section 197.130, RSMo).

PROTECTIONS FOR PREGNANT OFFENDERS

This bill specifies the necessary health care standards for pregnant and postpartum offenders in a correctional center or county or city jail. The bill requires each of these facilities to develop procedures by January 1, 2019 (Sections 217.149 and 221.523).

The bill requires restraints being used on a pregnant offender in her third trimester or on a postpartum offender within 48 hours post delivery to be the least restrictive available. Additionally, if a physician or registered nurse treating the offender requests that restraints not be used, the corrections officer accompanying such offender shall remove restraints immediately. However, the physician or registered nurse shall be liable for any injury that results from the removal of the restraints (Sections 217.151 and 221.520).

VIDEOCONFERENCING AND PAROLE HEARINGS

Currently, the use of videoconferencing must not be used if the offender, the victim, or the victim's family objects. This bill removes the offender from the list of individuals who can object. The bill also removes the requirement that the parole board conduct a personal interview with the offender, permitting the interview to be conducted via videoconferencing (Section 217.690).

LIFETIME SUPERVISION

If an offender subject to lifetime supervision is supervised during the offender's probation, parole, or conditional release in a receiving state under the interstate compact authorized under Section 217.810, following completion of probation, parole, or conditional release the offender shall be permitted to remain in the receiving state, and the board shall defer to the standards of supervision of the receiving state, including electronic monitoring. If, at any time, the offender returns to Missouri for more than 30 consecutive days, the offender shall be subject to Missouri's lifetime supervision statutes (Sections 217.735 and 559.106).

SEPARATION OF OFFENDERS

This bill specifies that any individual on probation or parole may be housed in a jail with offenders or persons being held on criminal charges (Section 221.050).

TWO-WAY COMMUNICATIONS DEVICES IN CORRECTIONAL CENTERS

Currently, it is a crime to possess, deliver, deposit, or conceal certain items in a prison or jail. This bill adds two-way telecommunications devices and their component parts to the list of prohibited items.

This bill provides that the prohibition on telecommunications devices does not apply to law enforcement officers lawfully engaged in their duties or any person who is authorized to use such a device in the facility. However, the bill prohibits any such person from knowingly delivering, attempting to deliver, or depositing a two-way telecommunications device or its component parts to any inmate, prisoner, or detainee. The bill specifies persons to whom the provisions of the bill do not apply (Section 221.111).

PROPOSERS: Supporters say that the Department of Corrections has been thinking about the reimbursement rate for hospitals that see inmates and they are not being allowed to deny inmates treatment just because they're inmates. Additionally, it would be more of a cost saving to the state and taxpayers if the hospitals were to be reimbursed at a Medicaid rate rather than the higher Medicare rate. Ideally, contracts with hospitals would be replaced by a standard reimbursement rate.

Testifying for the bill were Representative Roden; Isaac Amon,

Department of Corrections; and Rhonda Almanza, Corizon Health.

OPPONENTS: Those who oppose the bill say that it would be an issue to make it a condition of licensure for hospitals to be required to see inmates, as some hospitals never have inmates visit the particular hospital. The hospitals that have negotiated a contract with the state won't turn inmates away. The issue, in this case, would be that the hospitals would be required to see inmates and they would be required to receive a specific reimbursement rate.

Testifying against the bill were David Winton, BJC Health Care System; Cox Health; Kathi Harness, St. Luke's Health System; Chris Molendorp, Missouri Hospital Association; Scott Marrs, Mercy; and Jessica Pabst, SSM Health.