

Sec. 18. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 4:16 p.m.

CHAPTER 310—S.F.No. 804

An act relating to corrections; requiring the county of residence to pay for medical services to juveniles in custody; requiring county boards to pay for medical services for prisoners in jail; requiring children in custody and prisoners to pay for medical services to the extent of their ability to pay; providing for reimbursement of the costs of medical services by health insurance or a health plan; amending Minnesota Statutes 1990, section 641.15; proposing coding for new law in Minnesota Statutes, chapter 260.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. [260.174] CHILDREN IN CUSTODY; RESPONSIBILITY FOR MEDICAL CARE.

Subdivision 1. MEDICAL AID. If a child is taken into custody as provided in section 260.165 and detained in a local juvenile secure detention facility or shelter care facility, or if a child is sentenced by the juvenile court to a local correctional facility as defined in section 241.021, subdivision 1, paragraph (5), the child's county of residence shall pay the costs of medical services provided to the child during the period of time the child is residing in the facility. The county of residence is entitled to reimbursement from the child or the child's family for payment of medical bills to the extent that the child or the child's family has the ability to pay for the medical services. If there is a disagreement between the county and the child or the child's family concerning the ability to pay or whether the medical services were necessary, the court with jurisdiction over the child shall determine the extent, if any, of the child's or the family's ability to pay for the medical services or whether the services are necessary. If the child is covered by health or medical insurance or a health plan when medical services are provided, the county paying the costs of medical services has a right of subrogation to be reimbursed by the insurance carrier or health plan for all amounts spent by it for medical services to the child that are covered by the insurance policy or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program, the children's health plan, or the general assistance medical care program.

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. INTAKE PROCEDURE; HEALTH COVERAGE. As part of its intake procedure for children, the official having custody over the child shall ask the child or the child's family, as appropriate, whether the child has health coverage. If the child has coverage under a policy of accident and health insurance regulated under chapter 62A, a health maintenance contract regulated under chapter 62D, a group subscriber contract regulated under chapter 62C, a health benefit certificate regulated under chapter 64B, a self-insured plan, or other health coverage, the child or the child's family, as appropriate, shall provide to the official having custody over the child the name of the carrier or administrator and other information and authorizations necessary for the official having custody over the child to obtain specific information about coverage.

Subd. 3. OBTAINING HEALTH CARE IN COMPLIANCE WITH COVERAGE. A county board may authorize the officials having custody over children to fulfill the county board's obligation to provide the medical aid required by subdivision 1 in accordance with the terms of the health plan covering the child, where possible, subject to any rules and exceptions provided by the county board. The official having custody over a child has no obligation to the child or to the child's family to obtain the child's health care in accordance with the child's health coverage.

Subd. 4. SCOPE. Subdivisions 1, 2, and 3 apply to any medical aid, including dental care, provided to children held in custody by the county as described in subdivision 1.

Sec. 2. Minnesota Statutes 1990, section 641.15, is amended to read:

641.15 PRISONERS; FEEDING, CARE.

Subdivision 1. CLOTHING AND CARE. The county board shall provide suitable jail clothing, without distinctive marks, underclothing, linen and bedding, towels, and medical aid for prisoners, and fuel for the jail and, if adjoining and connected, the sheriff's residence. The sheriff may require a prisoner to wear jail clothing during confinement, but shall restore personal clothing upon discharge. No prisoner ~~shall~~ must be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, have each prisoner's clothing washed at least once a week, furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well cooked food.

Subd. 2. MEDICAL AID. Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over

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the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the county providing the medical services has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program.

Subd. 3. INTAKE PROCEDURE; HEALTH COVERAGE. As part of its intake procedure for new prisoners, the sheriff shall ask the prisoner whether the prisoner has health coverage. If the prisoner has coverage under a policy of accident and health insurance regulated under chapter 62A, a health maintenance contract regulated under chapter 62D, a group subscriber contract regulated under chapter 62C, a health benefit certificate regulated under chapter 64B, a self-insured plan, or other health coverage, the prisoner shall provide to the sheriff the name of the carrier or administrator and other information and authorizations necessary for the sheriff to obtain specific information about coverage.

Subd. 4. OBTAINING HEALTH CARE IN COMPLIANCE WITH COVERAGE. A county board may authorize the sheriff to fulfill the county board's obligation to provide the medical aid required by subdivision 1 in accordance with the terms of the health plan covering the prisoner, where possible, subject to any rules and exceptions provided by the county board. The sheriff has no obligation to the prisoner to obtain the prisoner's health care in accordance with the prisoner's health coverage.

Subd. 5. SCOPE. Subdivisions 2, 3, and 4 apply to any medical aid, including dental care, provided to prisoners held in a county jail or workhouse.

Presented to the governor May 30, 1991

Signed by the governor June 3, 1991, 3:48 p.m.

CHAPTER 311—S.F.No. 1244

An act relating to commerce; real estate brokers; clarifying exceptions to licensing requirements; amending Minnesota Statutes 1990, section 82.18.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1990, section 82.18, is amended to read:

82.18 EXCEPTIONS.

New language is indicated by underline, deletions by ~~strikeout~~.