

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 215

Short Title: Prisoners Pay For Medical Care.

(Public)

Sponsors: Representatives Holt; P. Wilson and Kennedy.

Referred to: Judiciary.

February 14, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PRISONERS IN LOCAL CONFINEMENT FACILITIES WHO ARE NOT INDIGENT ARE LIABLE FOR THE REASONABLE COST OF MEDICAL CARE PROVIDED TO THEM DURING INCARCERATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-225 reads as rewritten:

"§ 153A-225. Medical care of prisoners.

(a) Each unit that operates a local confinement facility shall develop a plan for providing medical care for prisoners in the facility. The plan

(1) Shall be designed to protect the health and welfare of the prisoners and to avoid the spread of contagious disease;

(2) Shall provide for medical supervision of prisoners and emergency medical care for prisoners to the extent necessary for their health and welfare;

(3) Shall provide for the detection, examination and treatment of prisoners who are infected with tuberculosis or venereal diseases.

The unit shall develop the plan in consultation with appropriate local officials and organizations, including the sheriff, the county physician, the local or district health director, and the local medical society. The plan must be approved by the local or district health director, upon a determination that the plan is adequate to protect the health and welfare of the prisoners, and must be adopted by the governing body.

(b) If a prisoner in a local confinement facility dies, the medical examiner and the coroner shall be notified immediately. Within five days after the day of the death, the

1 administrator of the facility shall make a written report to the local or district health
2 director and to the Secretary of Human Resources. The report shall be made on forms
3 provided by the [State Board of Health, and the Board of Health] shall develop and
4 distribute these forms.

5 (c) If a person violates any provision of this section (including the requirements
6 regarding G.S. 130-97 and 130-121), he is guilty of a misdemeanor.

7 (d) A prisoner who is provided medical care under the provisions of this Article
8 is liable for the reasonable costs of that care unless he is indigent."

9 Sec. 2. G.S. 153A-224 reads as rewritten:

10 **"§ 153A-224. Supervision of local confinement facilities.**

11 (a) No person may be confined in a local confinement facility unless custodial
12 personnel are present and available to provide continuous supervision in order that
13 custody will be secure and that, in event of emergency, such as fire, illness, assaults by
14 other prisoners, or otherwise, the prisoners can be protected. These personnel shall
15 supervise prisoners closely enough to maintain safe custody and control and to be at all
16 times informed of the prisoners' general health and emergency medical needs.

17 (b) In a medical emergency, the custodial personnel shall secure emergency
18 medical care from a licensed physician according to the unit's plan for medical care. If a
19 physician designated in the plan is not available, the personnel shall secure medical
20 services from any licensed physician who is available. The unit operating the facility
21 shall pay the cost of emergency medical ~~services.~~services if the prisoner is indigent.
22 The unit shall not be required to pay the cost of emergency medical services to any
23 hospital, medical center, physician, or professional association organized or operating
24 pursuant to Chapter 116 of the General Statutes.

25 (c) If a person violates any provision of this section, he is guilty of a
26 misdemeanor."

27 Sec. 3. G.S. 153A-225.1 reads as rewritten:

28 **"§ 153A-225.1. Duty of custodial personnel when prisoners are unconscious or**
29 **semiconscious.**

30 (a) Whenever a custodial officer of a local confinement facility takes custody of
31 a prisoner who is unconscious, semiconscious, or otherwise apparently suffering from
32 some disabling condition and unable to provide information on the causes of the
33 condition, the officer should make a reasonable effort to determine if the prisoner is
34 wearing a bracelet or necklace containing the Medic Alert Foundation's emergency alert
35 symbol to indicate that the prisoner suffers from diabetes, epilepsy, a cardiac condition
36 or any other form of illness which would cause a loss of consciousness. If such a
37 symbol is found indicating that the prisoner suffers from one of those conditions, the
38 officer must make a reasonable effort to have appropriate medical care provided.

39 (b) Failure of a custodial officer of a local confinement facility to make a
40 reasonable effort to discover an emergency alert symbol as required by this section does
41 not by itself establish negligence of the officer but may be considered along with other
42 evidence to determine if the officer took reasonable precautions to ascertain the
43 emergency medical needs of the prisoner in his custody.

- 1 ~~(e) A prisoner who is provided medical care under the provisions of this section~~
2 ~~is liable for the reasonable costs of that care unless he is indigent.”~~
3 Sec. 4. This act shall become effective October 1, 1989.