1.4.E.10 Medical Co-Payment Fees

II Policy:

Inmates in the custody of the Department of Corrections (DOC) may be charged for medical services. Medically necessary health care will not be refused to any inmate due to a lack of available funds or an inmate’s inability to pay for the service (ACA #4-4345).

III Definitions:

Work Release Program:
A program that allows qualifying and approved inmates access to the community to seek employment and to be competitively employed in the community, pursuant to SDCL § 24-8-1.

Community Transition Program (CTP):
A program under the control of the DOC designed to assist offenders with successful transition to community supervision.

Co-Payment:
Payments made toward one bill from more than one party.

Emergency:
Conditions that require immediate attention or treatment to prevent permanent injury or loss of function (See P-C-06 Inmate Medical Co-Pay).

Nurse Sick Call:
A system through which an inmate may report for and receive appropriate medical services for non-emergency illness or injury (See DOH policy P-C-06 Inmate Medical Co-Pay).

Medical Services:
Medical, dental, optometry treatment, lab, x-ray, medications or other related services.

Community Transition Program Phase 1 Restricted:
Offenders placed on this status are limited to employment on the facility grounds and cannot be assigned to community service or disaster deployment crews.
Community Transition Program Phase 2:
Offenders placed on this status are eligible to work off the facility grounds in community employment, community service or as part of a disaster deployment crew or attend programming in the community.

IV Procedures:

1. Co-Pay Fees for Inmates:

A. All new admission inmates will be provided information regarding medical co-payments requirements while in the Admission and Orientation (A&O) unit (ACA #4-4345).

B. Inmates not assigned to the work release program and offenders placed in Community Transition Program (CTP) Phase 1, may be charged/billed the following co-payment fees for medical services received (See DOH policy P-C-06B Inmate Medical Co-Pay).

1. Nurse sick call initiated by the inmate - $2.00
2. Non-scheduled care by health services staff - $2.00
3. Inspection of medical records - $2.00
4. Care provided for self-harm - $2.00
5. Any other health care service initiated by the inmate - $2.00
6. Dentist or hygienist - $5.00
7. Optometrist - $5.00
8. Repair or replacement of medical or dental adaptive devices (eyeglasses, hearing aids, cochlear processors, or other such devices, dentures, prosthetic devices, etc.) - $5.00

C. Inmates not assigned to the work release program and offenders placed in CTP Phase 1, will not be charged/billed for the following medical services:

1. Scheduled follow-up appointments, as required by medical, dental or optometry staff;
2. Medical emergencies (as listed in definitions section);
3. Exams initiated as the result of an assault; i.e. inmate on inmate assault;
4. Mental health services;
5. Admission physical screening or admission dental screening;
6. Half-way house requirements;
7. Work release injuries that are an emergency;
8. Outside referrals;
9. Prescriptions;
10. Replacement batteries for hearing aids and cochlear processors;

11. Chronic Care Clinic;

12. Infirmary care;

13. PREA related services, examinations or medications (no inmate or CTP offender will be charged for PREA related medical services); and

14. Appointments/services initiated by Health Service staff (ACA #4-4345).

2. Co-pay Fees For Work Release Inmates and CTP Phase 2 Offenders:

A. Inmates assigned to work release and CTP Phase 2 offenders are financially responsible for expenses incurred through receipt of medical services (See DOC policies 1.5.A.5 Work Release and 1.5.G.2 Community Transition Program and DOH policies P-C-06A Medical Expenses/Care - Work Release and P-C-06C Health Care for Community Transition Program).

B. The following co-payment fees will be applied to the inmate/offender’s account (fee is for each visit):

1. Sick call - $2.00

2. Appointment with a physician, physician assistant, certified nurse practitioner, dentist, hygienist, or optometrist, (includes chronic care) - $10.00

3. X-ray - $20.00

4. Prescription medication - cost of medication, up to $30 co-pay

5. Laboratory service - $20.00

6. Outside referrals - $40

7. Emergent care - $50

8. Medical or dental adaptive devices (eyeglasses, hearing aids, cochlear processors, or other such devices, dentures, prosthetic devices, etc.) May be charged a co-pay fee for repair, or replacement of such devices, not to exceed $40.

C. Work release inmates and CTP Phase 2 offenders must obtain health and/or dental (medical) insurance through their employer, if such insurance is offered. If the inmate/offender has medical insurance through their employer, the insurance provider will be billed first for all medical services received by inmate. The inmate/offender is responsible for their deductible, co-insurance and non-covered services.

D. Inmates placed on work release will sign the Medical Expense for Work Release Inmates form (See Attachment 1) acknowledging their financial obligation for medical services received (also See DOC policy 1.5.A.5 Work Release).

E. If an inmate/offender sustains a work-related injury or requires medical services while at their community job, the inmate must contact his/her employer and report the injury and/or any medical services received.

1. The inmate/offender and their respective employer(s) are responsible for filing Worker’s Compensation claims.
2. The inmate/offender is responsible for any medical fees resulting from an injury/illness that occurred that is not covered by Worker’s Compensation.

3. Inmates/offenders who receive health care through the DOC/DOH Health Services staff are required to notify DOC health service staff of any outside medical care received.

F. Work Release inmates housed in a county jail or contract facility will access medical care as determined by the jail administrator, contract administrator or as instructed by DOC staff. Inmates are financially responsible for all fees/charges generated through receipt of medical services while housed in the county jail or contract facility.

G. CTP Phase 2 offenders requiring off-site services/appointments may be referred to one of the following contracted hospitals or clinics by DOH staff (See DOH policy P-C-06C Health Care for Community Transition Program):

1. Avera McKennan Hospital and Avera McGreevy Clinics in Sioux Falls
2. Regional Health Physicians in Rapid City
3. Avera St. Mary’s in Pierre
4. Avera Queen of Peace in Mitchell
5. Avera Sacred Heart in Yankton

3. Medical Co-Payment Billing:

A. The fees for medical services provided or scheduled by DOH Health Services will be documented by Health Service staff (usually on a Documentation of Health Care Services form, or on a DOH generated spread sheet or commissary slip) and turned in to the respective DOC business office at the end of the shift. The corresponding charge/fee will be applied to the inmate’s spend subaccount or work release account by business office staff.

B. If the inmate’s/offender’s account(s) do not contain sufficient funds to cover the charge, a credit obligation will be created (See DOC policy 1.1.B.2 Inmate Accounts and Financial Responsibility). Inmates/offenders are liable for unpaid medical fees (See SDCL § 24-2-29). Unpaid fees will be applied to costs incurred while in custody of the DOC and may only be waived by the Secretary of Corrections (See SDCL § 24-2-28).

C. If an inmate/offender fails to attend a scheduled appointment with DOH Health Services and does not provide notice to Health Service staff at least 24-hours in advance of the time and date of the set appointment, the inmate may be charged/billed the corresponding fee (Section 1 B. 1-7) for the missed appointment.

D. Inmates/offenders who disagree with fees/charges assessed by Health Service staff for medical services received may utilize the Administrative Remedy procedure (See DOC policy 1.3.E.2 Administrative Remedy for Inmates and DOH P-A-11 Grievance Mechanism for Health Complaints).

V Related Directives:
SDCL §§ 24-8-1, 24-2-28 and 24-2-29.

DOC policy 1.1.B.2 – Inmate Accounts and Financial Responsibility
DOC policy 1.3.E.2 – Administrative Remedy for Inmates

Revised: 09/21/2016
DOC policy 1.5.A.5 – Work Release
DOC policy 1.5.G.2 – Community Transition Program
DOH policy P-C-06A – Medical Expenses/Care Work Release
DOH policy P-C-06B – Inmate Medical Co-Pay
DOH policy P-C-06C -- Health Care for Community Transition Program
DOH policy P-A-11 – Grievance Mechanism for Health Complaints

VI Revision Log:

December 2002: Raised amount of co-pay from $2 to $5
June 2003: Added number 9 to services that do not require co-payments. Added reference to policies 1.1.B.2. and 1.3.E.2. Combined sections on Administrative Remedy and funds collected.
February 2004: Revised the policy statement. Added a section on Workman’s Compensation claims for Work Release inmates. Added a reference to the Work Release Policy. Added a separate list of services charged to Work Release inmates. Revised for former sections on Billing for Co-Payments, Inmate Institutional Account and Other Co-Payment Guidelines into a new section entitled Billing and Payment for Health Care Services. Added reference to DOH policies PA 01, PC 06A and PC 06B.
October 2004: Added requirement that co-pay is required when inmates view medical/mental health records. Deleted references to the Documentation of Health Care Services form and the related attachment. Revised attachment 1.
September 2005: Updated references to DOH policies. Added a reference to the Community Transition Program. Replaced infirmary care with chronic care. Deleted medical co-pay for work release inmates for the psychiatrist. Added medical co-pay for X-ray on work release inmates. Clarified how money collected from the medical co-payments will be used by the DOC.
December 2006: Revised the procedures for work release inmates making payments on their medical obligations. Revised attachment 1. Added exams initiated as a result of an assault to services that are not charged a medical co-pay.
October 2007: Added “other written documentation” for those DOH employees who do not use a commissary slip to track the inmate medical co-pay.
September 2008: Revised formatting of policy and attachment in accordance with DOC policy 1.1.A.2. Added DOC policy in section V. Replaced “commissary spending” to “spend” account throughout policy. Revised other grammatical and wording throughout policy. September 2009: Added DOH policy P-C-06C within ss (A) and replaced $15 with $10 in ss (B) both within Services and Fees for Work Release Inmates Housed at a DOC Facility. Added P-C-06C to section V. Added hyperlinks.
September 2010: Revised formatting of Section 1. Deleted statement regarding inmates not having funds in their institutional account within Policy statement. Replaced “Workman’s” with “Worker’s Compensation. Revised $5 to $2 in ss (B1 and B4) and revised Note to include assessments and care for self-harm and deleted mental health within the same Note, revised wording within ss (C1), revised wording within ss (C) through combining, deleted former ss (C7 and C8) regarding chronic care and sick call visits for food service workers and revised former ss (C10) referencing 24 hours from injury to reference injuries that are an emergency all within (Services and Fees For Non-Work Release Inmates). Revised $5 to $2 in ss (B1) regarding sick call, revised $10 to $20 in ss (B5) regarding x-rays, revised full cost of lab work to $20 in ss (B7) and replaced forward with forfeit in ss (D) all within (Services and Fees For Work Release Inmates Housed at a DOC Facility. Deleted reference to doctor within ss (A1e), replaced employer with workers compensation or insurance in ss (B) and deleted reference of DHS from ss (B1) all within (Billing and Payment for Health Care Services). Revised co-pays to be consistent with policy, replaced forward with forfeit regarding inmate funds and replaced “workman’s” with “worker’s” compensation all within Attachment 1.
October 2011: Added “off-site facilities or providers” to Policy section. Added Definition of “Work Release” and “Emergency” and “Emergency Care”. Added “/billed” to Section 1 B. Added “initiated by the inmate” to Section 1 B. 1. Added “non-scheduled care” and care provided when medical staff determine an inmate’s medical emergency was not an emergency”) to the “Note” in Section 1 B. 4. Added “/billed” to Section 1 C. Deleted “screenings” and Replaced with “services” in Section 1 C. 4. Added “as determined by medical staff” to Section 1 C. 7. Added 10. “Chronic Care Clinic, except for Work Release Inmates” to Section 1 C. 10.
Added 11. “Infirmary care” to Section 1 C. Added (service fee is for each visit) to Section 2. B. Added 9. to Section 2 B. Added “and” to Section 2 C. 2. Deleted “or requires health care services” from Section 2 C. 3. Added “an on-going medical obligation or a medical obligation as a result of an acute (not on-going) issue, and “apply” and “This process will typically occur one time” to Section 2 D. Added 1. to Section 2 D. Deleted “The” and Replaced with “After the one time occurrence of sweeping the aforementioned accounts” and Deleted “must also agree in writing to submit a minimum payment of twenty ($20.00) dollars every month towards the residual amount” and Replaced with “will make a minimum of twenty ($20.00) dollars per month payment towards the obligation.” The remaining amount will be added to the inmate’s IFR as cost incurred” to Section 2 d. 2. Added “nursing” “non-scheduled care by health services staff, review of medical records, care provided for self-harm” “hygienist” Deleted “eye doctor” and Replaced with “optometrist, any health care service initiated by the inmate” to Section 3. A. e. Deleted “filled out” and Replaced with “completed” in Section 3. A. 2. Added “(or note by staff stating the inmate refused to sign)” in Section B. 1. A.

October 2012: Added “while at their community job or during the performance of their job duties” and Deleted “immediately so the employer can assist in the payment of the related claims” and Replaced with “regarding the injury and/or health care service received” in Section 2 B. 3. Added 4. and 5. to Section 2 C. Deleted “Once the” and Replaced with “When a health care service” and Added “documenting the service provided is required” in Section 3 A. Deleted “by health services the end of the health service staff person’s shift and will be” and Replaced with “by Department of Health staff no later than the next working day following when the service was provided to the inmate/offender” in Section 3 A. 2. Added “and/or written documentation” in Section 3 B. 1. a. Deleted b. “After the written documentation has been completed, it will be forwarded to the appropriate business office for processing” in Section 3 B. 1.

February 2013: Added “Fees and Billing for Health Care Services to title of policy. Deleted definition of “Inmate Institutional Account”, “Health Services Nurse” and “Sick Call” Added “The charge will be billed through medical services and automatically deducted or a commissary slip must be completed by the inmate with the same procedure required of non-work release inmates outlined in Section 3 A. 1. If the inmate does not have funds in his/her work release expense account, a credit obligation will be applied to the inmate’s account” to Section 2 A. Added “or have the inmate complete a commissary slip. Commissary slips will be submitted to the business office on a daily basis. If an encounter is entered by medical, it will automatically deduct the corresponding value of the encounter per sections 1. B. or 2. B. above. If the offender does not have funds in his/her spend account, a credit obligation will be applied to the offender’s account” in Section 3 A. Deleted “a commissary slip or written documentation documenting the service provided is required” and Deleted c. “The funds collected from the medical co-payments will be deposited into a local endowment fund and used to buy medical equipment and to pay other expenses related to the care of inmates” all in Section 3. A. 2. Deleted a. “After being signed by the inmate (or noted by staff stated the inmate refused to sign), the commissary slip and/or written documentation will be forwarded to the appropriate business office for processing” in Section 3 B. Deleted “run his/her balance into the negative” and Replaced with “cause his/her balance to show a credit obligation” in Section 3 B. 2. b. Added “provided they are not covered by encounters entered by DOH staff” in Section 3 C. Added E. to Section 3.

September 2014: Added definition of “Medical Services”. Deleted “of an adult facility” and Added “due to a lack of available funds or an inmate’s inability to pay for the service” to the policy statement. Added “access to the community to seek employment” to definition of “Work Release”. Deleted “Uncontrolled bleeding, the need for CPR or ambulance to be called” and Replaced with “Conditions that require immediate attention or treatment to prevent permanent injury or loss of function” to definition of “Emergency”. Deleted definition of “Emergency Care”. Added definition of “Sick Call”. Deleted “Non-Work Release” from Section 1. Added “All new admission inmates will be advised at the time of admission to a DOC facility of the guidelines of medical co-payments” in Section 1 A. Added 2-5 in Section 1 B. Added “employed as part of the work release program” and “appointments or services initiated by medical staff including” in Section 1 C. Deleted “sexual assault” in Section 1 C. 3. Added CTP offenders to Section 2. Deleted “full” and Replaced with “up to $30 co-pay” in Section 2 B. 6. Deleted “Full cost of service set by the provider” and Replaced with “$40” in Section 2 B. 8. Added 9-10 in Section 2 B. Added “Outside referrals and specialists will need to be approved by the Medical Director through the utilization management system” in Section 2 C. 5. Deleted D. 1. and 2. in Section 2. Added 8. to Section 2 D. Added J. to Section 2. Deleted Section 3 and Replaced with new Section 3.

September 2015: Deleted “MCC” from Section 2 F. Added 2 to Section 2 E. Deleted “will” and Replaced with “may” in Section 3 C.
September 2016: Added 8. to Section 1 B. Added 10. to Section 1 C. Added “hearing aids, cochlear processors, or other such devices and Added “repaired” and Deleted “as determined by Health Services staff” and Replaced with “not to exceed $40) in Section 2 B. 8.
Attachment 1: Medical Expenses for Work Release Inmates

The *Medical Expenses for Work Release Inmates* form is located on the state’s WAN.

A copy may be printed using *Microsoft Word* as follows:

1. Click [here](#) to access the *Medical Expenses for Work Release Inmates* by:
   a. Placing mouse on the word “here” above
   b. Press and hold the “Ctrl” key on the keyboard
   c. Click the left button of mouse.

2. Or Select *File/New* from the Menu Bar / Select the *DOC* tab / Select *Medical Expenses for Work Release Inmates*.

The gray areas indicate the information that is to be entered.