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<p style="text-align: center;">BLR</p>  <p style="text-align: center;">ADMINISTRATIVE RULE STATE OF ARKANSAS BOARD OF CORRECTIONS</p>	Section Number: ADC 808/ACC 9.3	Page Number: 1 of 3
	Board Approval Date: TBD	
	Supersedes: New / Supersedes ADC 810	Dated: TBD
	Reference: A.C.A. § 12-27-105 § 12-27-114	Effective Date: TBD
SUBJECT: County Jail Reimbursement of Medical Expenses		

I. Authority

The Board of Correction is authorized to promulgate this rule by A.C.A. § 12-27-105 and mandated to promulgate this rule by A.C.A. § 12-27-114.

II. Purpose

To establish rules by which counties may be reimbursed for emergency medical expenses of inmates required to be housed in county jails while awaiting bedspace in a secured facility operated or contracted by a division of the Department of Corrections.

III. Definitions

- A. “Extraordinary Medical Need” means emergency medical care for an illness or injury that is directly related to the incarceration of a State Inmate.
- B. “Medical Services Administrator” means the employee of the Department of Corrections designated by the Secretary of Corrections as the individual responsible for receiving notice of medical issues and providing recommendations to leadership.
- C. “State Inmate” means an individual for whom a division of the Department of Corrections has been granted legal authority to confine in a secured facility and who is awaiting bedspace at a facility operated or contracted by a division of the Department of Corrections. Unless he or she has been ordered returned to the custody of a division of the Department of Corrections, a State Inmate does not include an individual who has been transferred to parole, community supervision, or post release supervision. A State Inmate does not include an individual in a county jail to attend court unless the court attendance is due to a criminal offense committed while in the custody of a division of the Department of Corrections.
- D. “True Emergency Situation” means an acute injury or illness which poses an immediate threat to life or limb.

IV. Policy

The Department of Corrections shall, upon establishment of legal responsibility, and contingent upon appropriation and availability of funds, reimburse approved expenses for Extraordinary Medical Needs incurred on behalf of State Inmates housed in county jails while awaiting bedspace in a secured facility operated or contracted by a division of the Department of Corrections.

V. Procedure

A. Identification of State Inmates with Extraordinary Medical Needs. Upon discovery of a State Inmate's Extraordinary Medical Need, the County Sheriff or his designee shall contact the Medical Services Administrator with information regarding the nature of the medical need. The Medical Services Administrator shall make a recommendation to the Secretary of Corrections, or his or her designee.

B. Determination of Department Liability. Upon considering the recommendation of the Medical Services Administrator, the Secretary or his or her designee shall determine the following:

- a. Whether the Department is responsible for providing the care requested by the County Sheriff;
- b. Whether the inmate's receipt into a DOC facility should be expedited in order to ensure cost effectiveness and adequate care; and
- c. Whether the county should be reimbursed for any medical expenses incurred on the inmate.

C. Responsibility for Reimbursement. The Department shall be responsible for reimbursing medical expenses for State Inmates under the following conditions:

- a. The Department has received a complete and accurate order providing the legal responsibility for the State Inmate. In limited circumstances, reimbursements may accrue prior to receipt of a complete and accurate order providing the legal responsibility for the state inmate, but shall not be paid until after receipt of the complete and accurate order;
- b. The Department has declined to expedite receipt of the State Inmate into a state facility for reasons other than lack of appropriate documentation establishing legal responsibility for the State Inmate;
- c. The Extraordinary Medical Need is either:
 - i. Related to the incarceration of the State Inmate, or
 - ii. Otherwise approved for reimbursement by Secretary or his or her designee after consultation with the Medical Services Administrator; and
- d. The expenses are not incurred due to routine care for pre-existing conditions.

D. Exceptions.

- a. Medical Emergency: In a True Emergency Situation, as defined by this rule, the county may be eligible for reimbursement without prior approval if:
 - i. The county official contacts the Medical Services Administrator as soon as possible after discovering the True Emergency Situation; and

- ii. County officials coordinate with Department staff to expedite submission of all necessary paperwork as soon as possible in order to mitigate financial exposure for the Department.
- b. Failure to timely establish legal responsibility: Notwithstanding any obligation created by this Rule, the Secretary may decline reimbursement if the county fails to provide adequate court orders establishing legal responsibility in a timeframe that allows the Department to mitigate additional reimbursement costs.
- c. Lack of Appropriation or funding: Notwithstanding any obligation created by this Rule, the Department shall not be required to reimburse expenses without adequate appropriation or funding.

VI. Implementation

The Secretary of Corrections shall develop and publish policies and procedures necessary to implement this Rule.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

A Bill

SENATE BILL 72

5 By: Senator Hickey
6

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING REIMBURSEMENT OF
9 COUNTY COSTS FOR HOLDING STATE INMATES, PROBATIONERS,
10 AND PAROLEES; TO DECLARE AN EMERGENCY; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

14 TO AMEND THE LAW CONCERNING REIMBURSEMENT
15 OF COUNTY COSTS FOR HOLDING STATE
16 INMATES, PROBATIONERS, AND PAROLEES; AND
17 TO DECLARE AN EMERGENCY.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 12-27-114 is amended to read as follows:
24 12-27-114. Inmates in county jails – Reimbursement of county – Medical
25 care.

26 (a)(1)(A)(i) In the event the ~~Department~~ Division of Correction cannot
27 accept inmates from county jails due to insufficient bed space, the
28 ~~Department~~ Division of Correction shall reimburse the counties from the
29 County Jail Reimbursement Fund at rates determined by the Chief Fiscal
30 Officer of the State, after consultation with Arkansas Legislative Audit and
31 the ~~Department~~ Division of Correction and upon approval by the Governor,
32 until the appropriation and funding provided for that purpose are exhausted.

33 (ii) The reimbursement rate shall include the
34 county's cost of transporting the inmates to the ~~Department~~ Division of
35 Correction.

36 (B)(i) Reimbursement under subdivision (a)(1)(A) of this



1 ~~section~~ shall begin accruing on the date of sentencing ~~if the judgment and~~
 2 ~~commitment order is received by the Department of Correction not later than~~
 3 ~~twenty one (21) days from the sentencing date.~~

4 (ii) ~~If the judgment and commitment order is~~
 5 ~~received by the Department of Correction twenty two (22) or more days after~~
 6 ~~the sentencing date, reimbursement shall begin on the date the Department of~~
 7 ~~Correction receives the judgment and commitment order~~ The Division of
 8 Correction shall not reimburse the county until the Division of Correction
 9 receives a complete and accurate sentencing order.

10 (2)(A) In the event the ~~Department~~ Division of Community
 11 Correction cannot accept inmates from county jails due to insufficient bed
 12 space or shall have an inmate confined in a county jail under any prerelease
 13 program or sanction imposed in response to a violation of supervision
 14 conditions, the ~~Department~~ Division of Community Correction shall reimburse
 15 the counties from the fund at rates determined by the Chief Fiscal Officer of
 16 the State, after consultation with Arkansas Legislative Audit and the
 17 ~~Department~~ Division of Correction, and upon approval by the Governor, until
 18 the appropriation and funding provided for that purpose are exhausted.

19 (B)(i) Reimbursement under subdivision (a)(2)(A) of this
 20 section shall begin accruing on either the date of sentencing or the date of
 21 placement on probation accompanied with incarceration in the ~~Department~~
 22 Division of Community Correction ~~if the judgment and commitment order or the~~
 23 ~~judgment and disposition order, whichever is applicable, is received by the~~
 24 ~~Department of Community Correction not later than twenty one (21) days from~~
 25 ~~either the date of sentencing or the date of placement on probation~~
 26 ~~accompanied with incarceration in the Department of Community Correction.~~

27 (ii) ~~If the judgment and commitment order or the~~
 28 ~~judgment and disposition order, whichever is applicable, is received by the~~
 29 ~~Department of Community Correction twenty two (22) or more days after the~~
 30 ~~date of sentencing or the date of placement on probation accompanied with~~
 31 ~~incarceration in the Department of Community Correction, reimbursement shall~~
 32 ~~begin on the date the Department of Community Correction receives either the~~
 33 ~~judgment and commitment order or the judgment and disposition order,~~
 34 ~~whichever is applicable~~ The Division of Community Correction shall not
 35 reimburse the county until the Division of Community Correction receives a
 36 complete and accurate sentencing order or an order or waiver for a sanction

1 to a community correction center.

2 (b)(1)(A) The ~~Department~~ Division of Correction and the ~~Department~~
3 Division of Community Correction shall prepare an invoice during the first
4 week of each month that lists each state inmate that is on the county jail
5 backup list during the previous month.

6 (B) The invoice shall reflect the number of days a state
7 inmate was in the county jail in an awaiting-bed-space status.

8 (2)(A) The ~~Department~~ Division of Correction and the ~~Department~~
9 Division of Community Correction shall verify and forward the invoices to the
10 applicable county sheriff to certify the actual number of days the state
11 inmates were physically housed in the county jail.

12 (B)(i) Upon written request of a county judge, county
13 treasurer, or county sheriff, the ~~Department~~ Division of Correction and the
14 ~~Department~~ Division of Community Correction shall provide to the county
15 official making the request a written report summarizing the year-to-date
16 county jail reimbursement invoices prepared and forwarded for verification by
17 the ~~Department~~ Division of Correction and the ~~Department~~ Division of
18 Community Correction and payment from the fund.

19 (ii) In addition, the written report shall include a
20 summary of invoices returned by each county for payment for previous months
21 within the fiscal year, the amounts paid, and any balances owed.

22 (3)(A) The certified invoices shall then be returned to the
23 ~~Department~~ Division of Correction and the ~~Department~~ Division of Community
24 Correction for payment from the fund.

25 (B) Payment from the fund shall be made within five (5)
26 business days of receipt of signed and certified invoices returned by each
27 county, subject to funding made available for payment of the certified
28 notices.

29 (4) The county sheriff shall maintain documentation for three
30 (3) calendar years to confirm the number of days each state inmate was
31 physically housed in the county jail.

32 (5) The documentation maintained by the county sheriff is
33 subject to review by Arkansas Legislative Audit.

34 (6) Invoices under this subsection may be mailed or sent
35 electronically.

36 (c)(1) The Board of Corrections shall adopt rules by which the

1 ~~Department~~ Division of Correction or the ~~Department~~ Division of Community
 2 Correction ~~may~~ shall reimburse any county, ~~which that~~ is required to retain
 3 an inmate awaiting delivery to the custody of either the ~~Department~~ Division
 4 of Correction or the ~~Department~~ Division of Community Correction, upon
 5 receipt of a ~~correct~~ complete and accurate sentencing order or an order or
 6 waiver for a sanction to a community correction center, for the actual costs
 7 paid for any emergency medical care for physical injury or illness of the
 8 inmate retained under this section if the physical injury or illness is
 9 directly related to the incarceration and the county is required by law to
 10 provide the care for inmates in the jail.

11 (2) The Director of the ~~Department~~ Division of Correction or his
 12 or her designee or the Director of the ~~Department~~ Division of Community
 13 Correction or his or her designee may accept custody of any inmate as soon as
 14 possible upon request of the county upon determining that the inmate is
 15 required to have extended medical care.

16 (3)(A) Reimbursements for medical expenses under this subsection
 17 shall require prior approval of the ~~Department~~ Division of Correction or the
 18 ~~Department~~ Division of Community Correction before the rendering of health
 19 care.

20 (B)(i) In a true emergency situation, health care may be
 21 rendered without prior approval.

22 (ii) The ~~Department~~ Division of Correction or the
 23 ~~Department~~ Division of Community Correction shall be notified of a true
 24 emergency situation immediately after the true emergency situation.

25 (C)(i) Reimbursements under this subsection begin accruing
 26 on the date of sentencing.

27 (ii) The Division of Correction or Division of
 28 Community Correction shall not reimburse the county under this subsection
 29 until the Division of Correction or Division of Community Correction receives
 30 a complete and accurate sentencing order or an order or waiver for a sanction
 31 to a community correction center.

32
 33 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 34 General Assembly of the State of Arkansas that county jails incur significant
 35 costs in housing inmates, probationers, and parolees who are awaiting
 36 delivery to the custody of the Division of Correction or the Division of

1 Community Correction; that the delay in the state reimbursing counties for
2 the costs counties incur in housing state inmates, probationers, and parolees
3 causes irreparable harm and substantial monetary loss to the counties; that
4 billing for the reimbursement of county costs in housing state inmates,
5 probationers, and parolees occurs at the beginning of each month; that
6 delaying the effective date of this act to an uncertain date in the future
7 will result in counties suffering irreparable harm and substantial monetary
8 loss and will cause significant administrative difficulties in processing
9 reimbursement requests for county costs for housing state inmates,
10 probationers, and parolees; and that this act is necessary to support the
11 proper administration and housing of state inmates to ensure the preservation
12 of public peace and safety. Therefore, an emergency is declared to exist,
13 and this act being necessary for the preservation of the public peace,
14 health, and safety shall become effective on July 1, 2023.

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17 **APPROVED: 2/24/23**
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