

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

William T. Bowman II


Signature

Phone Number

E-mail Address

Title

Date

	ADMINISTRATIVE RULE STATE OF ARKANSAS BOARD OF CORRECTIONS	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.