



2023 Legislative Issue Form

To propose a CCI legislative issue, please complete this form.

Feel free to use more than one page and include any supplemental materials.

1.) **Contact Information** (of person bringing forth issue):

- a. Submitted by: Commissioner Sandy Hollingsworth
- b. Title: County Commissioner
- c. County: Gilpin
- d. Phone Number: 720-646-8301
- e. E-Mail Address: shollingsworth@gilpincounty.org

2.) **Issue/Problem to be addressed** (What is the problem this legislation is seeking to solve?)

Medical Coverage for County Jail Incarcerated Persons

3.) **Background on this Issue/Problem** (How did this come to be? Why are you seeking a legislative remedy?)

Counties in Colorado are required by State Statute to construct or obtain and operate a jail. Many incarcerated people are jailed who have private insurance. Currently, county jails are required to provide medical care for incarcerated persons but are not allowed to bill state aid or in some cases a detainee's own private insurance already in place with that individual. Counties must cover the cost of a medical provider plan, providers, or other method to provide care to a person in jail who had committed a jailable offense. Transport to a care facility or hospital emergency room costs are also paid under a county funded plan. Some counties have a cap on the amount of care under the purchased services plan paid for from the county budget and are responsible for the full cost incurred over this cap. This is a burden to county budgets and difficult to budget for annually. The ability to always bill to an incarcerated person's existing private insurance or Colorado Option would insure provision of care while easing the strain on county budgets. This would help during short-term detentions while insurance is in place. A provision could require that a caseworker assist in keeping the monthly premium paid from the person's own income source, assuming that there is one. Once incarcerated, the person loses Medicaid State Aid and becomes uninsured unless they have a second insurance source such as Medicare. This also transfers the cost of medical care to the county jail, further squeezing county budgets.

4.) **Proposed Solution/Legislative Remedy to this issue.**

- a) Any medical treatment charge that remains unpaid shall constitute a cost of care that the person shall be ordered to pay pursuant to *section 18-1.3-701, C.R.S.*, and that may be collected by the county pursuant to the provisions of *section 16-11-101.6, C.R.S.*

Add: Private or Colorado Option insurance in good standing at the time of the person's medical treatment while incarcerated or in custody must reimburse the care provider directly in lieu of a county paying or reimburse the county if payment for care has already been rendered.

- b) A county may seek payment or reimbursement for any medical treatment costs from a person being held in custody and receiving such services, except as otherwise provided in subsection (1) of this section.

Add: Private or Colorado Option insurance in good standing at the time of the person's medical treatment must reimburse the care provider directly in lieu of a county paying, or reimburse the county if payment for care has already been rendered.

- c) A statewide medical coverage plan which counties can opt to enroll in for standardized care and costs.

5.) **Have you explored a non-legislative solution to this problem?**

Yes, we have done cost comparisons for medical coverage over the years prior to selecting a plan and have negotiated a coverage tier for fewer inmates up to a set cap, then increase it when needed. This helped during the Covid pandemic when the jail population was less due to closure of local businesses and Covid jail and arrest parameters set by the state. Our detentions staff work with the medical contractor to ensure any private insurer who can be billed is.

Please submit this completed form to Katie First at kfirst@ccionline.org

By Friday, July 8.



- 6.) **Statutory Citation to be modified AND proposed/revised language (The Colorado Revised Statute is available for free at [this link](#), by selecting “Colorado Revised Statutes”).**

CRS 17-26-104.5, section 18-1.3-701, C.R.S., section 16-11-101.6, C.R.S.

- 7.) **Relationship of this issue to County Commissioner’s roles and/or authorities.**

County Commissioners are tasked with the overall management of the county budget to meet both funded and unfunded statutory requirements to ensure public safety and services to the residents of the county. They meet with department heads, finance directors and elected officials to create an annual budget for each county department including the Sheriff and Detention Chief, if any, regarding the jail staff budget and operating expenses. As extra medical expenses are paid from the annual budget, funds must be reduced in other areas to cover the expenses. County Commissioners are the body which approves and adopts the annual budget and any supplemental expenses in the event of unfunded unanticipated expenses

- 8.) **Has this proposal been approved by the Board of County Commissioners?**

Yes, on July 5, 2022.

- 9.) **List any potential Proponents/Opponents & their perspective; indicate any groups/individuals with whom you have already discussed this issue.**

The Gilpin County BOCC, Sheriff, Detentions Chief, and County Attorney are proponents. I have contacted our county Sheriff, Undersheriff, and Detentions Chief to obtain support of this proposed legislation to both provide medical care and manage the detentions budget. A version of this proposal received over 90% support of the CCI members in attendance at the legislative proposals discussion in 2021.

No opponents.

- 10.) **Have you visited with your legislator(s) about this proposal? What was their reaction? Are members of your delegation likely to sponsor, support, or oppose this proposal?**

Yes. Our Representative is supportive of working on this proposal and is willing to work with CCI on this proposal to support impacted counties.

- 11.) **Anticipated Fiscal Impact (to counties, state, other stakeholders, etc.).**

It has the potential to reduce county budget costs. Our healthcare premium is \$250,000 for up to 35 inmates and increases exponentially after the average daily population increases. We have had out of pocket expensed when the coverage cap is exceeded ranging from a few hundred dollars for medications to \$65,000 for a hospitalization for one inmate near the end of a budget year.

- 12.) **Please list the local subject matter experts CCI staff can follow-up with for more information on this proposal.**

CSOC, County Sheriffs and their division staff who secure medical coverage and who submit over cap claims.

- 13.) **If your county is submitting multiple issue forms, please rank each issue.** N/A

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