

AMENDED IN ASSEMBLY SEPTEMBER 12, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE MAY 14, 2001

AMENDED IN SENATE MAY 2, 2001

AMENDED IN SENATE APRIL 24, 2001

**SENATE BILL**

**No. 396**

**Introduced by Senator Kuehl**

*(Coauthor: Assembly Member Washington)*

February 21, 2001

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An act to add Section 2873.4 to the Business and Professions Code, ~~and to add Section 5002.5 to, and to repeal Section 5007.5 of, the Penal Code and to amend Section 5007.5 of the Penal Code,~~ relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

SB 396, as amended, Kuehl. Corrections: medical services.

Existing law provides for the licensing and regulation of various occupations and professions, each administered by a board, as defined, including the Board of Registered Nursing and the Board of Vocational Nurse and Psychiatric Technician Examiners of the State of California.

The bill would establish guidelines for the decisionmaking authority of Medical Technical Assistants who are Licensed Vocational Nurses and Senior Medical Technical Assistants who are Licensed Vocational Nurses with respect to the care and treatment of inmates.

~~Under existing law, the Department of Corrections is vested with powers and duties necessary for operating the California prison system.~~

~~This bill would require the department to ensure by January 1, 2005, that all of its medical facilities are accredited by a health care organization specializing in accrediting health care facilities in correctional settings. The bill would require the department to provide the Legislature with an annual report, as specified.~~

Existing law authorizes the Director of Corrections to charge a \$5 fee for each inmate-initiated medical visit of an inmate, and requires that the moneys received be expended to reimburse the ~~department~~ Department of Corrections for direct provision of inmate health care services.

~~This bill would repeal this provision~~ *require the department to report to the Legislature on the costs and benefits as well as other specified aspects of charging the \$5 fee for inmate-initiated medical visits.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2873.4 is added to the Business and  
2 Professions Code, to read:

3 2873.4. Medical Technical Assistants who are Licensed  
4 Vocational Nurses and Senior Medical Technical Assistants who  
5 are Licensed Vocational Nurses shall not make any decision  
6 concerning access to care and the kind of care or treatment an  
7 inmate should receive. Neither shall a Medical Technical Assistant  
8 who is a Licensed Vocational Nurse nor a Senior Medical  
9 Technical Assistant who is a Licensed Vocational Nurse make any  
10 decision as to whether an inmate should be examined by a  
11 clinician. Medical Technical Assistants who are Licensed  
12 Vocational Nurses and Senior Medical Technical Assistants who  
13 are Licensed Vocational Nurses may collect subjective and  
14 objective patient data and convey that information to either a  
15 registered nurse or a physician who may then make appropriate  
16 treatment decisions based on that information.

17 ~~SEC. 2. Section 5002.5 is added to the Penal Code, to read:~~

18 ~~5002.5. Not later than January 1, 2005, the Department of~~  
19 ~~Corrections shall ensure that all of its medical facilities are~~  
20 ~~accredited by a health care organization specializing in accrediting~~  
21 ~~health care facilities in correctional settings. The department shall~~



1 ~~provide the Legislature with an annual report on its progress in~~  
2 ~~obtaining this accreditation.~~

3 ~~SEC. 3. Section 5007.5 of the Penal Code is repealed.~~

4 *SEC. 2. Section 5007.5 of the Penal Code is amended to read:*

5 5007.5. (a) The Director of Corrections is authorized to  
6 charge a fee in the amount of five dollars (\$5) for each  
7 inmate-initiated medical visit of an inmate confined in the state  
8 prison.

9 (b) The fee shall be charged to the prison account of the inmate.  
10 If the inmate has no money in his or her personal account, there  
11 shall be no charge for the medical visit.

12 (c) An inmate shall not be denied medical care because of a lack  
13 of funds in his or her prison account.

14 (d) The medical provider may waive the fee for any  
15 inmate-initiated treatment and shall waive the fee in any  
16 life-threatening or emergency situation, defined as those health  
17 services required for alleviation of severe pain or for immediate  
18 diagnosis and treatment of unforeseen medical conditions that if  
19 not immediately diagnosed and treated could lead to disability or  
20 death.

21 (e) Followup medical visits at the direction of the medical staff  
22 shall not be charged to the inmate.

23 (f) All moneys received by the Director of Corrections  
24 pursuant to this section shall, upon appropriation by the  
25 Legislature, be expended to reimburse the Department of  
26 Corrections for direct provision of inmate health care services.

27 (g) *On or before May 31, 2002, the department shall report to*  
28 *the Legislature on the cost and benefits of charging the five-dollar*  
29 *(\$5) fee for inmate-initiated medical visits. The report shall*  
30 *include the total revenues and administrative costs of collecting*  
31 *the five-dollar (\$5) fee. Additionally, the department shall provide*  
32 *data relative to the number of inmate-initiated medical visits per*  
33 *inmate while the fee has been in effect and the number of*  
34 *inmate-initiated medical visits per inmate prior to the enactment*  
35 *of the five-dollar (\$5) fee and during suspension of the five-dollar*  
36 *(\$5) fee.*

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