

Senate Bill No. 396

Passed the Senate September 14, 2001

Secretary of the Senate

Passed the Assembly September 13, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 396, 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.

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 of Corrections for direct provision of inmate health care services.

This bill would 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.

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

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

2873.4. Medical Technical Assistants who are Licensed Vocational Nurses and Senior Medical Technical Assistants who are Licensed Vocational Nurses shall not make any decision concerning access to care and the kind of care or treatment an inmate should receive. Neither shall a Medical Technical Assistant who is a Licensed Vocational Nurse nor a Senior Medical Technical Assistant who is a Licensed Vocational Nurse make any decision as to whether an inmate should be examined by a



clinician. Medical Technical Assistants who are Licensed Vocational Nurses and Senior Medical Technical Assistants who are Licensed Vocational Nurses may collect subjective and objective patient data and convey that information to either a registered nurse or a physician who may then make appropriate treatment decisions based on that information.

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

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

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

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

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

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

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

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



Approved _____, 2001

Governor

