

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 881

Introduced by Coash, 27.

Read first time January 09, 2012

Committee: Judiciary

A BILL

1 FOR AN ACT relating to jails and correctional facilities; to amend
2 section 47-703, Reissue Revised Statutes of Nebraska; to
3 change medical services payment provisions; and to repeal
4 the original section.

5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-703, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 47-703 (1) Upon a showing that reimbursement from the
4 sources enumerated in section 47-702 is not available, in whole or in
5 part, the costs of medical services shall be paid by the appropriate
6 governmental agency. Such payment shall be made within ninety days
7 after such showing. For purposes of this section, a showing shall be
8 deemed sufficient if a provider of medical services signs an
9 affidavit stating that (a) in the case of an insurer, health
10 maintenance organization, preferred provider organization, or other
11 similar source, a written denial of payment has been issued or (b) in
12 all other cases, efforts have been made to identify sources and to
13 collect from those sources and more than one hundred eighty days have
14 passed or the normal collection efforts are exhausted since the
15 medical services were rendered but full payment has not been
16 received. Such affidavit shall be forwarded to the appropriate
17 governmental agency. In no event shall the provider of medical
18 services be required to file a suit in a court of law or retain the
19 services of a collection agency to satisfy the requirement of showing
20 that reimbursement is not available pursuant to this section.

21 (2) In the case of medical services necessitated by
22 injuries or wounds suffered during the course of apprehension or
23 arrest, the appropriate governmental agency chargeable for the costs
24 of medical services shall be the apprehending or arresting agency and
25 not the agency responsible for operation of the institution or

1 facility in which the recipient of the services is lodged. In all
2 other cases, the appropriate governmental agency shall be the agency
3 responsible for operation of the institution or facility in which the
4 recipient of the services is lodged, except that when the agency is
5 holding the individual solely for another jurisdiction, the agency
6 may, by contract or otherwise, seek reimbursement from the other
7 jurisdiction for the costs of the medical services provided to the
8 individual being held for that jurisdiction.

9 (3) Except as provided in section 47-705, a governmental
10 agency shall not be responsible for paying the costs of any medical
11 services provided to an individual if such services are provided
12 after he or she is released from the legal custody of the
13 governmental agency or when the individual is released on parole.

14 (4) Any governmental agency requesting medical services
15 for an individual who is arrested, detained, taken into custody, or
16 incarcerated shall notify the provider of such services of (a) all
17 information possessed by the agency concerning potential sources of
18 payment and (b) the name of the appropriate governmental agency
19 pursuant to subsection (2) of this section.

20 Sec. 2. Original section 47-703, Reissue Revised Statutes
21 of Nebraska, is repealed.