

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 216

Introduced by Kolterman, 24.

Read first time January 11, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to jails and correctional facilities; to amend
- 2 section 47-703, Revised Statutes Cumulative Supplement, 2018; to
- 3 prohibit law enforcement releasing a person from custody to avoid
- 4 the cost of medical services; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 47-703, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

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

20 (2) In the case of medical services necessitated by injuries or
21 wounds suffered during the course of apprehension or arrest, the
22 appropriate governmental agency chargeable for the costs of medical
23 services shall be the apprehending or arresting agency and not the agency
24 responsible for operation of the institution or facility in which the
25 recipient of the services is lodged. In all other cases, the appropriate
26 governmental agency shall be the agency responsible for operation of the
27 institution or facility in which the recipient of the services is lodged,
28 except that when the agency is holding the individual solely for another
29 jurisdiction, the agency may, by contract or otherwise, seek
30 reimbursement from the other jurisdiction for the costs of the medical
31 services provided to the individual being held for that jurisdiction.

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

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

12 (5)(a) A law enforcement officer having custody of a person shall
13 not release such person from custody merely to avoid the cost of
14 necessary medical services while the person is receiving such medical
15 services from a health care provider unless the health care provider
16 consents to such release or unless the release is ordered by a court of
17 competent jurisdiction.

18 (b) If the law enforcement officer is satisfied that probable cause
19 no longer exists to believe such person committed a crime based upon an
20 ongoing investigation or if the prosecuting attorney gives notice that no
21 charges will be filed at the time such person is in custody, the law
22 enforcement officer may release such person from custody.

23 (c) Upon the date of notification to the health care provider that
24 the person is being released from custody because the ongoing
25 investigation indicates that probable cause no longer exists or because
26 of a decision by the prosecuting attorney that no charges will be filed,
27 the law enforcement agency shall no longer be responsible for the cost of
28 such person's medical services.

29 Sec. 2. Original section 47-703, Revised Statutes Cumulative
30 Supplement, 2018, is repealed.