Questions regarding the Annual Health Care Services Fee for Inmates

1. Is there a directive or policy in place that creates standards for TDCJ to evaluate and determine indigence? If so, what are the standards and criteria used to determine if a person is indigent?

TDCJ considers an incarcerated inmate with less than a $5 balance in their trust fund account at any given time to be indigent.

2. Please describe the process TDCJ uses to conduct an assessment to identify indigent individuals within its care – e.g., does TDCJ assess individuals at intake, does TDCJ assess every individual that enters a facility, etc.? Also, is this status re-assessed during incarceration, and if so, how often and what is the process (i.e. does an inmate have to request it)?

The assessment of indigence is determined when an inmate accesses, in this case, health care services. Specifically, when an inmate completes a self-initiated health care visit, the mainframe computer automatically checks the inmate’s trust fund balance to determine if he/she is indigent.

3. We understand that the fee is $13.55 per visit, not to exceed $100 per state fiscal year, not calendar year, but does the $13.55 charge accumulate over time if an inmate cannot pay the Health Care Services fee in full?

A Health Care Services fee is not automatically assessed every year. It is only assessed when an inmate initiates a request for health care services that meets fee assessment criteria during the state calendar year (September 1st thru August 31st). If an inmate does not initiate a visit to a health care provider, the inmate will not be charged a fee. Unpaid health care fees balances are cumulative.

For example, if an inmate is unable to pay anything for 5 years, and they are not excused due to indigence, will they owe $475.25?

See above response.

Similarly, if an inmate can only pay $50.00 one year to satisfy the previous $100 co-payment, will the $50.00 he still owes carry forward to the next scheduled payment, in which case he would owe for the subsequent year?

The following procedures apply:

Additionally, inmates are still responsible for the $100.00 fees that were previously charged of which 50% of all deposits will be collected until these fees are paid in full.

Additionally, inmates are responsible for the $13.55 Health Care Services fee for each inmate-initiated visit to health care staff, unless specifically exempt. After seven inmate-initiated visits (totaling $94.84) in the state fiscal year, September 1st thru August 31st, all subsequent health care visits for the remainder of the state fiscal year will not be charged. The inmate will be responsible for the full amount.

4. If a person still owes any money toward medical fees, will TDCJ generate a bill for these charges once the person is released from incarceration?

TDCJ does not bill inmates for unpaid balances upon release from incarceration.

We were advised that TDCJ would not, but will there be a record of what they owe that would stay with them if revoked (i.e. go back and still have balance) or if the Board of Pardons and Parole wanted to use that information to require payment as a condition?

The Board of Pardons and Paroles does not currently impose reimbursement of unpaid health care services fees as a condition of parole. However, if an inmate returns to the TDCJ and it is determined that the inmate owed funds to the agency, the debt is reapplied to the inmate’s current account.

5. Can the Board of Pardons and Parole require, as a condition of an individual’s release, that the individual pay any fee(s) associated with previous medical fees – either for the year immediately preceding release, or any years prior to release? And if so, can they revoke them for not paying it?

Per the Board of Pardon and Parole Presiding Officer, payment of Health Care Services fees are not required as a condition of release; therefore, inmates are not revoked by the Parole Board for this purpose.

6. What specific mental health service(s) would require the $13.55 Health Care Services fee? It appears that many of these mental health services are exempt from the Health Care Services fee, can we get clarification about which ones would not be exempt?

Initial requests for mental health reviews initiated by the inmate are not subject to the Health Care Service fee. Emergency, follow-up, or chronic care requests for mental health reviews shall not be charged a fee. If an inmate has been evaluated by mental health staff and determined not to have a mental health diagnosis, and if he/she persists in submitting sick call requests asking to be reevaluated by mental health staff, then at that point the mental health provider may assess the $13.55 health care fee.

7. Can an inmate be charged more than one Health Care Service fee per year if they see different providers? Or is the max per year still only $100?

An inmate can only be charged $13.55 for each inmate-initiated visit to health care staff, unless specifically exempt. After seven inmate-initiated visits (totaling $94.85) in the state fiscal year, all subsequent health care visits for the remainder of the state fiscal year will not be charged.

8. How does TDCJ inform inmates of this new Health Care Service fee? Specifically, how are they informing persons already incarcerated of this new fee, and are they informing them of this fee prior to them requesting a visit for a health care provider?

A Notice to Inmates advising them of the change in the health care fee that became effective September 1, 2019, has been placed throughout various areas within the units, i.e., offender orientation handbook, bulletin boards, and on the back of the sick call request forms.

Also, inmates must fill out a Sick Call Request form (HSA – 9 (rev. 8/19), when requesting a health care visit. The form includes the following statement: “In accordance with state law, if this visit meets offender annual health care services fee criteria, I understand that my trust fund account may be charged a $13.55 health care service fee. I also understand that I will be provided access to health care services regardless of my ability to pay this fee.” Additionally, there is a signature block for the inmates’ acknowledgment. The word “Co-payment” was deleted and replaced with “health care fee.”
9. Does TDCJ inform family members who may be depositing money in the accounts of inmates of this new Health Care Services fee?

The above referenced “Notice to Inmates” has been posted on the TDCJ website’s home page for the general public’s information.

It is the responsibility of the inmate to attempt informal resolution of any concern related to a contested Health Care Services Fee in a timely manner. The inmates’ monthly Trust Fund Statement identifies both the date of service and the date the account was assessed the fee. After review of the Trust Fund Statement, the inmate will provide the date of the contested fee and the rationale for which he/she believes that the fee is ineligible to the Manager of Health Service/Practice Manager/Clinical Administrator. The inmate will be allowed a period of No More Than 90 Days from the time of the Health Care Services Fee to present this information. (As noted above you are provided a Trust Fund Statement after each charge deduction, generally within 4-6 weeks).

How is the Annual Health Care Services Fee payments made?

If the inmate has less than $5 in their trust fund account, nothing is taken from the balance, and the full $13.55 would be placed into their medical fee balance owed. Additionally, if an inmate goes to medical and has less than $13.55 in his/her trust account, his/her account will be charged for the $13.55, the system will collect the balance in his/her account and show the remaining balance as owed by the inmate, until the inmate receives another deposit, which the balance would be collected at that point. Unless the balance is over $25.00, then only 50% of the deposit will be collected until the balance is paid in full.

Examples of the payment into an inmate’s account and deduction from the account are in the example below:

Inmate John Smith has a $10.00 Trust Balance and goes to medical. $10.00 is collected at the time of the visit and the $3.55 is placed in his/her medical fee balance owed.

Another Inmate who has been assessed with the Annual Health Care Services of $100.00 copayment on the same date has a current balance of $250.00 due to receiving money from his family or a friend. The Inmate Trust Fund Account program notices he/she has Child Support Payment of $100.00. That payment will be made first. Then it is noted he has a court fee cost of $50.00. That will be deducted from the account. A postage fee of $30.00 is noted and will be paid from the account. This leaves a balance of $70.00. From that balance $35.00 or 50% of the inmate’s balance will be applied toward payment of the Annual Health Care Services Fee copayment.

TDCJ Health Services Division contact information:

Family Hotline: 936-437-4271
Fax: 936-437-3659
Written Correspondence:

TDCJ Patient Liaison Program
Two Financial Plaza, #625
Huntsville, Texas 77340

Internet: health.services@tdcj.texas.gov

Texas Department of Criminal Justice
Annual Health Care Services Fee

Pursuant to Texas Government Code §§ 501.063, the Department of Criminal Justice is required to collect a fee from each inmate requesting a visit to a health care provider, unless exempted in accordance with AD-06.08. Funds are debited from the appropriate Trust Fund Account, unless an inmate is indigent; however, indigent Inmates are still responsible for paying the Health Care Services Fee (formally known as co-payment) when funds become available.

Government Code Section 501.063 “Inmate Fee for Health Care”

Sec. 501.063. INMATE FEE FOR HEALTH CARE.
(a) (1) Requires an inmate confined in a facility operated by or under contract with TDCJ, other than a halfway house, who initiates a visit to a health care provider to pay a health care services fee to TDCJ in the amount of $13.55 per visit, except that an inmate may not be required to pay more than $100 during the state fiscal year. The inmate shall pay the fee out of the inmate’s trust fund if the balance in the fund is insufficient to cover the fee, 50 percent of each deposit to the fund shall be applied toward the balance owed until the total amount owed is paid.

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