

Questions regarding the Annual Health Care Services Fee for Offenders

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 offender 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)?

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

3. We understand that the fee is an annual flat fee that an inmate pays once over the course of a year (12-month period based on provision of services, not calendar year), but does the \$100 per year charge accumulate over time (over years) if an inmate cannot pay the annual fee in full?

An annual health care services fee is not automatically assessed every year. It is only assessed when an offender initiates a request for health care services that meets fee assessment criteria. If an offender does not initiate a visit to a health care provider, the offender 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 \$500?

See above response.

Similarly, if an inmate can only pay \$50 one year to satisfy the \$100 co pay, will the \$50 he still owes carry forward to the next scheduled payment, in which case he would owe \$150 for the subsequent year?

The remaining \$50 balance would carry over until it is paid in full. However, the offender would not owe an additional annual health care fee unless the offender initiates a new request for health care services in the subsequent year.

The following procedures apply:

If the offender has less than \$5 in their trust fund account, nothing is taken from the balance, but 50% of all future deposits are collected and applied until the total amount is paid. If the offender has \$5 or more in their trust fund account, 50% of the balance or \$100, whichever is less, is collected and applied and, if necessary, 50% of future deposits until the total amount is paid.

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

TDCJ does not bill offenders 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 offender returns to the TDCJ and it is determined that the offender owed funds to the agency, the debt is reapplied to the offender'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 copayments – 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 fees are not required as a condition of release; therefore offenders are not revoked by the Parole Board for this purpose.

6. What specific mental health service(s) would require the \$100 copayment? It appears that many of these mental health services are exempt from copayment; can we get clarification about which ones would not be exempt?

Initial requests for mental health reviews initiated by the offender are not subject to the annual health care services fee. Emergency, follow-up, or chronic care requests for mental health reviews shall not be charged a fee. If an offender 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 \$100 health care fee.

7. Section J under "Copayment Determinations and Exemptions" states that "A copayment applies to a single visit. An offender requesting a visit to a health care provider for multiple symptoms shall be charged *only one copayment* if the symptoms are addressed in the same visit. If a request for a visit with a health care provider results in scheduling of appointments with more than one provider, such as a dentist and a physician, the initial visit with each clinician is subject to the copayment requirement." I am unclear on this; does this mean that they can be charged more than one copayment per year if they see different types of providers? Or is the max per year still only \$100?

This section of the Administrative Directive is being revised. An offender can only be charged a single \$100 health care fee in a 12 month period regardless of the number of health care visits that occur during that time frame. Moreover, any visits scheduled for the offender by health care staff are exempt.

8. How does TDCJ inform inmates of this co pay? 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 Offenders advising them of the health care fee that became effective September 28, 2011, has been placed in the following areas of the units: (Attached is a copy of the posting)

- Unit bulletin boards in commissary, work, and housing areas
- clinic waiting rooms
- day rooms
- law libraries
- visitation rooms
- published in the Echo.

Also, offenders must fill out a Sick Call Request form (HSA – 9 (rev. 8/11), when requesting a health care visit. The form includes the following statement: "In accordance with state law, if this visit meets offender health care co-payment criteria, I understand that my trust fund account may be charged a \$100 co-payment 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 offenders' acknowledgment. This form is in the process of being revised. "Co-payment" will be deleted and "health care fee" will be substituted.

9. Does TDCJ inform family members who may be depositing money in the accounts of offenders of this new copayment fee?

The above referenced "Notice to Offenders" has been posted on the TDCJ website's home page for the general public's information.

It is the responsibility of the offender to attempt informal resolution of any concern related to a contested Health Care Services Fee in a timely manner. The offenders 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 offender 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 offender 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 offender has less than \$5 in their trust fund account, nothing is taken from the balance, but 50% of all future deposits are collected and applied until the total amount is paid. If the offender has \$5 or more in their trust fund account, 50% of the balance or \$100, whichever is less, is collected and applied and, if necessary, 50% of future deposits until the total amount is paid.

Examples of the payment into an offender's account and deduction from the account are in the example below.

An offender has been assessed with the Annual Health Care Services Fee on 1/5/2012. The fee has been entered into his/her trust fund account and the program looks at the current balance of the offender's account and will deduct either the full amount or up to 50% of the amount from the account. If an offender has \$200.00 or more in the account and no child support, court fees or postage fees are pending

then \$100.00 dollars will be deducted from the account and the Annual Health Care Services Fee is paid in full for 1 full year.

Another offender who has been assessed with the Annual Health Care Services Fee 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 offender's balance will be applied toward payment of the Annual Health Care Services Fee.

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 offender 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 offender is indigent; however, indigent offenders are still responsible for paying the co-payment fee when funds become available.

Government Code Section 65.02 "Inmate Fee for Health Care"

Since the 82nd State Legislature met in session last year, SECTION 65.02. Amends Section 501.063, Government Code, as follows:

Sec. 501.063. New heading: 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 \$100, rather than 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 make a copayment to TDCJ in the amount of \$3.