

# Proposed Local Law No. 9 Of 2014

## County Of Ulster

### **A Local Law Requiring That The County Of Ulster Be Reimbursed By Third Party Insurance Providers For The Cost Of Medical Care And Treatment Provided To Inmates Of The Ulster County Jail**

BE IT ENACTED, by the Legislature of the County of Ulster, as follows:

#### **SECTION 1. LEGISLATIVE INTENT AND FINDINGS.**

The cost of providing medical care and treatment provided to inmates of the Ulster County Jail is in excess of two million (\$2,000,000.00) dollars annually.

The Ulster County Legislature hereby determines that it is appropriate and necessary to require that the cost of medical treatment provided to inmates of the Ulster County Jail be reimbursed to the County by third parties that insure and/or indemnify inmates of the Ulster County Jail.

New York Corrections Law Section 500-h (1) provides as follows:

“Diagnoses, tests, studies or analysis of the diagnosis of a disease or disability, and care and treatment by a hospital, as defined in article twenty-eight of public health law, or by a physician, or by a dentist to inmates of a local correctional facility which are provided by a county of City of New York shall be available without cost or charge to inmates receiving such examinations, care or treatment”.

New York Corrections Law Section 500-h (2) provides as follows:

“Notwithstanding the provisions of subdivision one of this section, any county or the City of New York may, by local law, provide that such entity may be reimbursed for costs paid pursuant to subdivision one of this section from any third party coverage or indemnification carried by an inmate and such third party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of section twenty-eight hundred seven of public health law relating to rates of payment of an individual’s care and treatment, as provided herein.”

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The Ulster County Legislature, in accordance with the New York Corrections Law, desires to enact a Local Law that will require the reimbursement of the County of Ulster for the costs of the medical care and treatment provided to the inmates of the Ulster County Jail.

**SECTION 2: REGULATION.**

Definitions as used in this Section:

1. "third party insurer" shall be defined as said term is defined in New York Public Health Law;
2. A third party insurer of an inmate at the Ulster County Jail may not deny reimbursement to the County of Ulster for the expense of their insured's diagnoses, studies or analyses for the diagnosis of a disease or disability, and care or treatment, as defined in Article twenty-eight of the Public Health Law, by a physician, or by a dentist.
3. Such third party coverage or indemnification shall first be applied against the total cost to the hospital or other provider as established in accordance with the provisions of Article twenty-eight hundred seven of the Public Health Law relating to rates of payment of an individual's care and treatment.

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**SECTION 3. SEVERABILITY.**

If any part or provision of this Local Law or the application thereof to any person or circumstances be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part of the provision or application directly involved in the controversy in which judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Ulster County Legislature hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

**SECTION 4. EFFECTIVE DATE.**

This Local Law shall take effect one hundred and twenty (120) days after its adoption.