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**SUBSTITUTE SENATE BILL 6063**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senate Human Services, Reentry & Rehabilitation (originally sponsored by Senators Wagoner, Kuderer, and Padden)

1 AN ACT Relating to improving department of corrections health  
2 care administration; amending RCW 72.10.020; and adding a new section  
3 to chapter 72.10 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 72.10  
6 RCW to read as follows:

7 (1) The department shall establish minimum job qualifications for  
8 the position of prison medical director in accordance with best  
9 practices.

10 (2) A candidate for prison medical director must meet the  
11 established minimum qualifications to be considered for the position.

12 (3) The established minimum qualifications shall be reviewed by  
13 the department every five years or more frequently as the department  
14 deems necessary.

15 (4) By December 1, 2020, and in compliance with RCW 43.01.036,  
16 the department shall report to the appropriate committees of the  
17 legislature the minimum job qualifications established and the status  
18 of implementing the minimum job qualifications throughout the  
19 department's correctional facilities.

1       **Sec. 2.** RCW 72.10.020 and 2016 c 197 s 8 are each amended to  
2 read as follows:

3       (1) Upon entry into the correctional system, offenders shall  
4 receive an initial medical examination. The department shall prepare  
5 a health profile for each offender that includes at least the  
6 following information: (a) An identification of the offender's  
7 serious medical and dental needs; (b) an evaluation of the offender's  
8 capacity for work and recreation; and (c) a financial assessment of  
9 the offender's ability to pay for all or a portion of his or her  
10 health care services from personal resources or private insurance.

11       (2)(a) The department may develop and implement a plan for the  
12 delivery of health care services and personal hygiene items to  
13 offenders in the department's correctional facilities, at the  
14 discretion of the secretary, and in conformity with federal law.

15       (b) To discourage unwarranted use of health care services caused  
16 by unnecessary visits to health care providers, offenders shall  
17 participate in the costs of their health care services by paying an  
18 amount that is commensurate with their resources as determined by the  
19 department, or a nominal amount of no less than four dollars per  
20 visit, as determined by the secretary. Under the authority granted in  
21 RCW 72.01.050(2), the secretary may authorize the superintendent to  
22 collect this amount directly from an offender's institution account.  
23 All copayments collected from offenders' institution accounts shall  
24 be a reduction in the expenditures for offender health care at the  
25 department.

26       (c) Offenders are required to make copayments for initial health  
27 care visits that are offender initiated and, by rule adopted by the  
28 department, may be charged a copayment for subsequent visits related  
29 to the medical condition which caused the initial visit.

30       (d) No offender may be refused any health care service because of  
31 indigence.

32       (e) At no time shall the withdrawal of funds for the payment of a  
33 medical service copayment result in reducing an offender's  
34 institution account to an amount less than the level of indigency as  
35 defined in chapter 72.09 RCW.

36       (3)(a) The secretary shall adopt, by rule, a uniform policy  
37 relating to the distribution and replenishment of personal hygiene  
38 items for inmates incarcerated in all department institutions. The  
39 policy shall provide for the initial distribution of adequate

1 personal hygiene items to inmates upon their arrival at an  
2 institution.

3 (b) The acquisition of replenishment personal hygiene items is  
4 the responsibility of inmates, except that indigent inmates shall not  
5 be denied adequate personal hygiene items based on their inability to  
6 pay for them.

7 (c) The policy shall provide that the replenishment personal  
8 hygiene items be distributed to inmates only in authorized quantities  
9 and at intervals that reflect prudent use and customary wear and  
10 consumption of the items.

11 (4) To the extent that federal law allows and federal financial  
12 participation is available, for the limited purpose of implementing  
13 this section, the department, or the department's designee, is  
14 authorized to act on behalf of an inmate for purposes of applying for  
15 medicaid eligibility.

16 (5) The following become a debt and are subject to RCW 72.09.450:

17 (a) All copayments under subsection (2) of this section that are  
18 not collected when the visit occurs; and

19 (b) All charges for replenishment personal hygiene items that are  
20 not collected when the item is distributed.

21 (6) The department, in accordance with medically accepted best  
22 practices and in consultation with the health care authority, shall  
23 develop and implement uniform guidelines across all of the  
24 department's correctional facilities for determining the minimum  
25 accepted level of care within the department for all medical  
26 conditions including, but not limited to, criteria for when an  
27 offender shall be referred or transferred to a health care facility  
28 for medical assessment or assistance.

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