

CORRECTIONS IMPACT STATEMENT

SESSION: 22RS BILL # HB 38 Introduced BR # 255 DOC ID #: xxxx

BILL SPONSOR(S): Rep. A. Scott AMENDMENT SPONSOR(S): . .

TITLE: AN ACT relating to pregnant inmates.

SUMMARY OF LEGISLATION: Amend KRS 196.173 to allow an inmate who is known to be pregnant or who has given birth in the last six weeks access to reasonable accommodations for the provision of available certified professional midwifery services or doula services.

AMENDMENT: .

This bill amendment committee substitute is expected to:

Have the following Corrections impact Have no Corrections impact

- | | |
|---|--|
| <input type="checkbox"/> Creates new crime(s) | <input type="checkbox"/> Repeals existing crime(s) |
| <input type="checkbox"/> Increases penalty for existing crime(s) | <input type="checkbox"/> Decreases penalty for existing crime(s) |
| <input type="checkbox"/> Increases incarceration | <input type="checkbox"/> Decreases incarceration |
| <input type="checkbox"/> Reduces inmate/offender services | <input checked="" type="checkbox"/> Increases inmate/offender services |
| <input type="checkbox"/> Increases staff time or positions | <input type="checkbox"/> Reduces staff time or positions |
| <input type="checkbox"/> Changes elements of offense for existing crime(s) | |
| <input checked="" type="checkbox"/> Otherwise impacts incarceration (Explain) <i>Impacts correctional policy.</i> | |

STATE IMPACT: Class A, B, & C felonies are based on an average daily prison rate of \$97.60. Community Custody Class C and most Class D felons are housed in one of seventy-four (74) full service or regional jails for up to five (5) years. Department of Corrections' cost to incarcerate a felony inmate in a jail is \$35.43 per day, which includes \$31.34 per diem, medical costs, & central office administrative costs (substance abuse treatment not included).*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The proposed legislation modifies KRS 196.173 to provide a pregnant female or a female who has given birth within six (6) weeks who is housed in a correctional institution reasonable accommodations for the provision of certified professional midwife services or doula services. The legislation requires that the midwife or doula providing services be 1) granted access into the facility, 2) allowed to attend and assist during the birth where feasible, and 3) if authorized by the inmate, provided access to the inmate's health care information. Certified professional midwifery services and doula services are defined.

There may be some services typically provided by midwives and doulas that may need to be adapted to a correctional setting. Security clearances would be required for those coming into the facility to provide services under the legislation. The service provider would agree to abide by security protocols and specific institutional policies (such as PREA requirements).

Current policy is that inmates are transported to a medical facility for childbirth, where the midwife or doula could attend the individual. Prenatal, intrapartum, and postpartum care is delivered by board certified medical providers under the Department's medical contract. The health services contract does not currently include midwife or doula services.

Kentucky's State Medicaid Plan covers nurse midwife services, but does not cover certified professional midwife or doula services. In addition, Medicaid coverage would be impacted due to the incarcerated status, as services would not be eligible for Medicaid coverage outside of hospitalization.

It is not known how many pregnant inmates would select services provided by a midwife or doula. There may be a fiscal impact to the Department if it is interpreted that the Department would be required to provide these services. Expected costs are unknown at this time but could range from \$1,000 to over \$4,000 per person.

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LOCAL IMPACT: Local governments are responsible for the cost of incarcerating individuals charged with Class A or B misdemeanors and felony defendants until disposition of the case. The estimated impact will be based on the \$35.43 cost to incarcerate for the Department of Corrections, including \$31.34 per diem and medical that DOC pays jails to house felony offenders. This cost to incarcerate may not be the actual housing cost for the jail. Kentucky jails report their actual cost to incarcerate is closer to an average of \$45 per day.*

Projected Impact: NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

The legislation would have a similar impact for county detention centers.

Jails currently transport inmates to outside medical providers for prenatal/postpartum care, with the inmate admitted to a hospital for childbirth. The number of inmates electing midwife or doula services is not known.

Medical care for pre-adjudication inmates is billed to private insurance, if applicable. For state inmates, jails are responsible for routine medical care, with the Department assisting with certain outpatient procedures. Inpatient hospitalizations over (twenty-four) hours are subject to Medicaid reimbursement.

However, some services provided by a midwife or doula may not be eligible for Medicaid coverage, either by parameters of Medicaid coverage or eligibility due to incarceration status.

PROJECTED IMPACT FROM AMENDMENTS:

NONE MINIMAL to MODERATE (< \$1 million) SIGNIFICANT (> \$1 million)

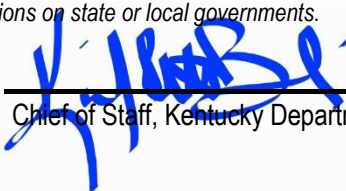
**All projections are based on the daily rate x 365 days x number of years. The cost to incarcerate as calculated by the Department is shown here as rounded to the hundredths. Offenders may have multiple offenses or be incarcerated on other charges unless otherwise noted. Unless otherwise noted, numbers will include inchoate offenses at the underlying offense level.*

The following offices contributed to this Corrections Impact Statement:

Dept. of Corrections Dept. of Kentucky State Police Administrative Office of the Courts Parole Board Other

NOTE: Consideration should be given to the cumulative impact of all bills that increase the felon population, lengthens the term or incarceration, or impose new obligations on state or local governments.

APPROVED BY: _____



Chief of Staff, Kentucky Department of Corrections

1/13/2022

Date