Local Government Mandate Statement Kentucky Legislative Research Commission 2022 Regular Session

REVISED 2/10/2022

Part I: Measure Information

Bill Request #: 255
Bill #: HB 38
Document ID #: <u>447</u>
Bill Subject/Title: AN ACT relating to pregnant inmates.
Sponsor: Representative Attica Scott
Unit of Government: City X County X Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Jailers
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 38 would amend KRS 196.173 to require that a pregnant inmate of a state or county facility, or one who has given birth in the last six weeks, be provided "reasonable accommodations" for provision of certified professional midwife or doula services. The bill would require the certified midwife or doula be granted facility access, be allowed to attend and assist during labor and childbirth if feasible, and have access to the inmate's health care information if authorized by the inmate.

HB 38 would have a minimal to moderate fiscal impact on local jails. 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 (DOC), including \$31.34 per diem, including for medical expenses, that DOC pays jails to house felony offenders. If the county receives a per diem for housing a state inmate, the

county is responsible for all medical expenditures in excess of the per diem. This per diem paid to jails by DOC to house felony offenders 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.

Jails may only reimburse an outside provider for medical services up to the amount Kentucky Medicaid would reimburse for the same service. There is an exception if an inmate is hospitalized for at least 24 hours. In that case Medicaid will pay the hospitalization expenses. If Medicaid would not reimburse for a service, then a county jail would not either. Kentucky Medicaid administered by the Cabinet for Health and Family Services does not appear to cover doula services. While Medicaid offered by Humana in Kentucky does cover doula services under its 2021 Extra Programs and Services for Medicaid, which include pre- and post-partum doula assistance and one visit for delivery, it appears Humana Medicaid would not cover any of these services for an incarcerated pregnant woman.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II applies to HB 38 as introduced. There is no prior version of the bill.

Data Source(s):	Department of Corrections, Division of Community Facilities; Cabinet for
	Health and Family Services, Office of Legislative and Regulatory affairs;
	LRC Staff

Preparer: Mary Stephens (wfb) Reviewer: KHC Date: 2/10	Preparer:	ry Stephens	(wfb)	Reviewer:	KHC	Date:	2/10/22
---	------------------	-------------	-------	------------------	-----	-------	---------