

**Local Government Mandate Statement
Kentucky Legislative Research Commission
2023 Regular Session**

Part I: Measure Information

Bill Request #: 148

Bill #: HB 277

Document ID #: 174

Bill Subject/Title: AN ACT relating to pregnant inmates.

Sponsor: Representative Keturah Herron

Unit of Government: City County Urban-County
Unified Local
 Charter County Consolidated Local Government

Office(s) Impacted: Jails

Requirement: Mandatory Optional

Effect on Powers & Duties: Modifies Existing Adds New Eliminates Existing

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

HB 277 would amend KRS 196.173 to require that a pregnant inmate of a state or local correctional or detention facility, or one who has given birth in the last six weeks, be provided “reasonable accommodations” for the provision of available certified professional midwife or doula services. The bill would require the certified midwife or doula be granted appropriate 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 277 would have a minimal to moderate fiscal impact on local jails.

The bill does not specify who would bear financial responsibility for the midwife or doula services. In most circumstances medical expenses for county inmates in county jails are paid out of the county jail budget. Jails may only reimburse an outside provider (for example, a hospital or birthing center) for those services up to the amount Medicaid would

reimburse for the same service. If Medicaid would not reimburse for a service, then a county jail would not either.

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. There is an exception if an inmate is hospitalized for at least 24 hours. In that case Medicaid will pay hospitalization expenses. As of January 1, 2023, Medicaid offered by Humana in Kentucky does cover doula services as part of its HumanaBeginnings program, which include pre- and post-partum doula assistance and one visit for delivery. It does not appear that Humana Medicaid would cover these services for an incarcerated pregnant woman unless she was hospitalized for at least 24 hours.

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

Part II applies to HB 277 as introduced. There is no earlier version for comparison.

Data Source(s): Department of Corrections, LRC Staff

Preparer: Mary Stephens (CH) **Reviewer:** KHC **Date:** 2/24/23