HOUSE DOCKET, NO. 1550 FILED ON: 1/18/2023

HOUSE . . . . . No. 2372

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to remove medical and health service fees for incarcerated people.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Jay D. Livingstone	*8th Suffolk*	*1/18/2023*
Jack Patrick Lewis	*7th Middlesex*	*2/21/2023*

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HOUSE . . . . . No. 2372

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 2372) of Jay D. Livingstone and Jack Patrick Lewis relative to medical and health service fees for incarcerated people. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to remove medical and health service fees for incarcerated people.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Subsection (s) of section 1 of chapter 124 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the words “adopt policies and procedures establishing reasonable” in line 79 and inserting in place thereof the following words:- “not charge”.

SECTION 2. Said section 1 of chapter 124, as so appearing, is hereby further amended by inserting, in line 79, after the word “medical” the following words:- “and mental health” and inserting, in line 80, after the words “medical services” the following words:- “, including inmate-initiated medical or mental health visits, prescriptions, medications, and prosthetic devices,”

SECTION 3. Said section 1 of chapter 124, as so appearing, is hereby further amended by striking out the words “Except as otherwise provided, the commissioner may charge each inmate a reasonable fee for any medical and mental health services provided, including prescriptions,

medication, or prosthetic devices. The fee shall be deducted from the inmate's account as provided for in section 48A of chapter 127. The commissioner shall exempt the following inmates from payment of medical and health services fees: medical visits initiated by the medical or mental health staff, consultants, or contract personnel of the department, prisoners determined to be terminally ill, pregnant, or otherwise hospitalized for more than 30 days successively during the term of incarceration and juvenile inmates and inmates who are undergoing follow-up medical treatment for chronic diseases." in lines 80-92.

SECTION 4. The Department of Correction shall implement this section no later than 1 year after its passage.

SECTION 5. Said section 1 of chapter 124, as so appearing, is hereby further amended by adding the following subsection:-

(v) The commissioner shall not charge a fee for durable medical equipment or medical supplies provided to an incarcerated person as medically necessary to ensure the person has equal access to services, programs, and activities.

For the purposes of this section, "durable medical equipment" shall mean equipment that is prescribed by a licensed healthcare provider to meet the medical needs of an incarcerated person and that meets the following criteria: 1) the equipment can withstand repeated use, 2) the equipment is used to serve a medical purpose, 3) the equipment is not normally useful to an individual in the absence of an illness, injury, functional impairment, or congenital anomaly, 4) the equipment is appropriate for use in or out of the prison. Durable medical equipment includes, but is not limited to, eyeglasses, artificial eyes, dentures, artificial limbs, orthopedic braces and shoes, pessaries, and hearing aids.

For the purpose of this section, “medical supplies” means supplies that are prescribed by a licensed provider to meet the medical needs of an incarcerated person and that meet all of the following criteria: 1) the supplies cannot withstand repeated use, 2) the supplies are usually disposable in nature, 3) the supplies are used to serve a medical purpose, 4) the supplies are not normally useful to an individual in the absence of an illness, injury, functional impairment, or congenital anomaly, 5) the supplies are intended for use in an outpatient setting.

SECTION 6. The Department of Correction shall implement this section no later than 1 year after its passage.