COUNTY DEPARTMENT AGENDA REQUEST

Department:	Finance	Presenter(s):	Mary S. Holland
Meeting Date:	Thursday, June 23, 2011	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's recommendation to amend the agreement with the Association County Commissioners of Georgia (ACCG) and Blue Cross Blue Shield (BCBS) to exclude provisions of HB197 for inmate medical services effective June 30, 2011; and authorization for the Chairman to execute said agreement pending County Attorney's approval.

Background/History/Details:

The County entered into an agreement with ACCG and BCBS on June 4th, 2008 for a reduced fee for inmate medical care based on BCBS negotiated rates with hospitals.

House Bill 197 related to jails and inmate emergency medical care charges became effective May 11, 2011. This bill restricts a hospital or other health care facility from charging qualified parities more than the applicable Georgia Medicaid rate for emergency health care and follow-up care for detainees. A qualified party means a sheriff or governing authority (Fayette County), or its agent (BCBS) cannot have an emergency health care services contract with the hospital or other health care facility on July 1, 2011.

Based on the passage of this bill the agreement with ACCG and BCBS needs to be amended to qualify for the Medicaid rate which is lower than the BCBS negotiated rate for care.

The County Attorney has drafted a letter to notify BCBS of this amendment a copy of which is attached for your reference.

What action are you seeking from the Board of Commissioners?

Approval to amend the agreement with the ACCG and BCBS for inmate medical services effective June 30, 2011 and authorization for the Chairman to execute said amended agreement pending County Attorney's approval.

If this item requires funding, please describe:

Funding is available in the Sheriff's Jail Division budget.

Has this issue come before the Commissioners in the past?	No	If so, when?	
Do you need audio-visual for the presentation?	No	Back-up Material Submitted?	

STAFF USE ONLY

Approved by Finance	Yes	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	Approved by County Clerk	Yes
Administrator's Approval	Yes		

Staff Notes:

House Bill 197 (AS PASSED HOUSE AND SENATE)

By: Representatives Sims of the 119th, Pruett of the 144th, Mitchell of the 88th, Horne of the 71st, and Hembree of the 67th

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for jails, so as to provide limitations on medical charges for providing emergency medical care services to certain persons in custody; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for jails, is amended by adding a new Code section to read as follows:

"42-4-15.

(a) As used in this Code section, the term:

(1) 'Detainee' means a person held in a detention facility who is charged with or convicted of a criminal offense or charged with or adjudicated for a delinquent act and a person detained, arrested, or otherwise held in lawful custody for a criminal offense or delinquent act.

(2) 'Detention facility' means any municipal or county jail or other facility used for the detention of persons charged with or convicted of a criminal offense or charged with or adjudicated for a delinquent act.

(3) 'Emergency health care' means bona fide emergency services provided after the onset of a medical or traumatic condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in placing the person's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. The term covers any form of emergency medical treatment, including dental, optical, psychological, or other types of emergency conditions.

(4) 'Follow-up health care' means medical and hospital care and medication administered in conjunction with and arising from emergency health care treatment.

(b) A hospital or other health care facility licensed or established pursuant to Chapter 7 of Title 31 which is not a party to an emergency health care services contract with a sheriff or a governing authority or its agent on July 1, 2011, shall be reimbursed no more than the applicable Georgia Medicaid rate for emergency health care and follow-up health care services provided to a detainee.

(c) No hospital or other health care facility shall discharge a detainee with an emergency health care condition so as to require an immediate transfer to another medical provider for the same condition unless the reasonable standard of care requires such a transfer.

(d) Nothing in this Code section shall be construed to limit reimbursements for emergency health care services when insurance coverage is available for payment for such services. Nor shall this Code section be construed so as to limit or remove responsibility for payment of emergency health care services by a provider of insurance that is otherwise responsible for payment of part or all of such services.

(e) Nothing in this Code section shall prohibit the governing authority from negotiating higher fees or rates with hospitals.″

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

Fayette County
GEORGIA
Where Quality Is A Lifestyle

June 24, 2011

Ben Pittarelli
Manager of Marketing and Field Services
ACCG Insurance Programs
50 Hurt Plaza, Suite 1000
Atlanta, GA 30303

Re: Fayette County, Georgia

Dear Mr. Pittarelli,

I have been asked to inform ACCG, as the sponsor of the ASO Program relative to Blue Cross/Blue Shield's administration of health care services for inmate, that Fayette County desires to change its coverage under this Program. Since the Georgia legislature has passed HB 147 relative to emergency health services, the Blue Cross/Blue Shield plan is no longer financially advantageous to Fayette County for emergency health care for inmates. Therefore, Fayette County notifies ACCG that it wishes to terminate the Blue Cross/Blue Shield Master Contract relative to "Emergency health care", as that term in defined in House Bill 197 (2011). The termination of this service needs to become effective no later than June 30, 2001, so that Fayette County may avail itself of the provisions of HB 197.

Please note that the County desires the remaining provisions of the Master Contract between Blue Cross/Blue Shield and the County to remain in full force and effect. Should you have any questions, need any additional information, or wish to discuss this matter further, please feel free to call me at the number listed below.

Sincerely,

Scott D. Bennett
County Attorney

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