## MAINE STATE LEGISLATURE

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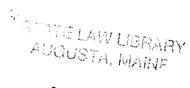
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			CALLIN								
2	DATE: 4/11/05	L.D. 17	3								
4	DATE: 4/11/0'	(Filing No. H-	<b>5</b> )								
6	CRIMINAL JUSTICE AND PUBLIC SAFETY										
8	Majoritu										
10	Reproduced and distributed under the the House.	J	Clerk of								
12		TNIE									
14	STATE OF MA HOUSE OF REPRESE 122ND LEGISLA	ENTATIVES									
16	FIRST SPECIAL S	ESSION									
18	COMMITTEE AMENDMENT "A" to H.P.	20. L.D. 17. Bill	. "An Act								
20	To Ensure Fair Reimbursement for th State Inmates"	e Medical Care Pr	ovided to								
22	Amend the bill by striking out	the title and cul	hetitutina								
24	the following:	the title and su	oscicucing								
26	'An Act Regarding Medical Care for Inc	carcerated Persons'									
28 30	Further amend the bill by striki enacting clause and before the summar the following:										
32	'Sec. 1. 14 MRSA c. 15 is enacted to	to read:									
34	CHAPTER 15	ž									
36	LIMITATION ON D	AMAGES									
38	§401. Action for medical services to	<u>prisoners</u>									
40	1. Limit established. On any to provision of a medical service for										
42	state, county or municipal correction the award of damages, including co	onal or detention	facility,								
44	medical service provider may not excother medical service provider may	eed \$10,000 and ac	gainst any								
46	court shall abate a verdict in an act these limits. This section applies to	ion to the extent	<u>it exceeds</u>								
48	goods prescription drugs and medica										

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2. Costs. Court costs, prejudgment interest and all other costs that a court may assess must be included within the damage

inside or outside the facility.

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# COMMITTEE AMENDMENT

#### COMMITTEE AMENDMENT "A" to H.P. 20, L.D. 17

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<u>limits</u>	specified	by	<u>this</u>	section.	Accrued	post-judgment	<u>interest</u>	
may not be included within the damage limits.								

- 3. Maine Health Security Act. Nothing in this section limits the applicability of Title 24, chapter 21.
  - Sec. 2. 18-A MRSA §2-804, sub-§(e) is enacted to read:

- (e) An action under this section is limited as provided in Title 14, section 401 if applicable.
- Sec. 3. 34-A MRSA §3031-B, as enacted by PL 2003, c. 513, Pt. E, §1, is amended to read:

### §3031-B. Limitation on reimbursement rate to medical service providers for services outside department facility

Effective July 1, 2004, the department or its contracted medical service provider may pay to a provider of a medical service for a person residing in a correctional or detention facility an amount no greater than the reimbursement rate applicable to that provider and that service as established by rule of the Department of Health and Human Services for the MaineCare program under Title 22. Payment for which the department or its contracted medical service provider is liable must be made within 30 days of receipt of proof of the service rendered. This limitation section applies to all medical care services, goods, prescription drugs and medications provided to a person outside the facility.'

#### SUMMARY

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice and Public Safety. The amendment limits the damages that may be awarded against a medical service provider on a tort claim arising out of the provision of medical services to a person being held in a state, county or municipal correctional or detention facility and applies to services provided inside the facility and outside the facility. This amendment is analogous to the provisions limiting damages awards against governmental employees and entities found in the Maine Tort Claims Act, including a provision that makes its limits applicable to wrongful death actions. The amendment also provides that the Maine Health Security Act's provisions, including those governing the mandatory prelitigation screening process, continue to apply.

#### COMMITTEE AMENDMENT "A" to H.P. 20, L.D. 17



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The amendment also requires that a payment for a medical service provided to a person residing in a Department of Corrections facility that is provided outside the facility and for which the department or its contracted medical provider is liable must be made within 30 days of receipt of proof of the service rendered.

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## COMMITTEE AMENDMENT