



SERVICES WHILE CONFINED/INCARCERATED

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Covered benefits are listed in three (3) Sections - A, B and C. All services must be medically necessary. Each benefit plan contains its own specific provisions for coverage, limitations and exclusions as stated in the member's Evidence of Coverage (EOC)/Schedule of Benefits (SOB). If there is a discrepancy between this policy and the member's EOC/SOB, the member's EOC/SOB provision will govern.

Essential Health Benefits for Individual and Small Group

For plan years beginning on or after January 1, 2014, the Affordable Care Act of 2010 (ACA) requires fully insured non-grandfathered individual and small group plans (inside and outside of Exchanges) to provide coverage for ten categories of Essential Health Benefits ("EHBs"). Large group plans (both self-funded and fully insured), and small group ASO plans, are not subject to the requirement to offer coverage for EHBs. However, if such plans choose to provide coverage for benefits which are deemed EHBs (such as maternity benefits), the ACA requires all dollar limits on those benefits to be removed on all Grandfathered and Non-Grandfathered plans. The determination of which benefits constitute EHBs is made on a state by state basis. As such, when using this guideline, it is important to refer to the member specific benefit document to determine benefit coverage.

A. FEDERAL/STATE MANDATED REGULATIONS

Oklahoma Statutes §36-6060.4a (effective 11/01/2010)

- A. No health benefit plan, including, but not limited to, the State and Education Employees Group Health Insurance Plan, that is offered, issued or renewed in the state on or after January 1, 2009, shall exclude otherwise allowable claims which occur in conjunction with the arrest or pretrial detention of the policyholder prior to adjudication of guilt and sentencing to incarceration of the policyholder. The reimbursement rate for out-of-network claims for these services shall be set at the current Medicare rate.

Oregon

2015 (Updated on 10/6/2017) ORS 743A.260 Inmates:

- 1) As used in this section:
 - a) "Detainee" means an insured who is:
 - A. In the custody of a local supervisory authority pending the disposition of charges; or
 - B. In a detention facility pending final adjudication by a juvenile court.
 - b) "Detention facility" has the meaning given that term in ORS 419A.004.
 - c) "Health benefit plan" has the meaning given that term in ORS 743B.005.

- d) "Supervisory authority" has the meaning given that term in ORS 144.087.
- 2) Except as provided in subsection (4) of this section, an insurer offering a health benefit plan may not deny reimbursement for any service or supply covered by the plan or cancel the coverage of an insured under the plan on the basis that:
 - a) The insured is a detainee;
 - b) The insured receives publicly funded medical care while in the custody of a local supervisory authority or in a detention facility; or
 - c) The care was provided to the insured by an employee or contractor of a county, or a local supervisory authority or a detention facility, if the employee or contractor meets the credentialing criteria of the health benefit plan.
- 3) An insurer shall reimburse a county for the costs of covered services or supplies provided to a detainee, in an amount that is no less than 115 percent of the Medicare rate for the service or supply.
- 4) An insurer offering a health benefit plan may:
 - a) Deny coverage for the treatment of injuries resulting from a violation of law;
 - b) Exclude from any requirements for reporting quality outcomes of performance, any covered services provided to a detainee;
 - c) Impose utilization controls under the health benefit plan that apply to services provided by in-network providers to insureds who are not in custody or in a detention facility, including a requirement for prior authorization;
 - d) Impose the requirements for billing and medical coding for covered services provided to a detainee that the insurer imposes on other providers;
 - e) Deny coverage of diagnostic tests or health evaluations required, as a matter of course, for all detainees;
 - f) Limit coverage of hospital and ambulatory surgical center services provided to a detainee to services provided by in-network hospitals and ambulatory surgical centers; and
 - g) Reimburse an out-of-network renal dialysis facility at either the in-network or the out-of-network rate paid by the insurer for dialysis provided to a detainee.
- 5) a) An insurer may not refuse to credential a health care provider who is an employee or contractor of a county, a local supervisory authority or a detention facility on the basis that the employee or contractor provides the services in a facility operated by the local supervisory authority or in a detention facility.
- b) If an insurer refuses to credential a health care provider who is an employee or contractor of a county, a local supervisory authority or a detention facility, the insurer must give written notice to the provider explaining the reasons for the refusal.
- 6) This section does not:
 - a) Impair any right of an employer to remove an employee from coverage under a health benefit plan;
 - b) Release carriers from the requirement to coordinate benefits for persons who are insured by more than one carrier; or
 - c) Limit an insurer's right to rescind coverage in accordance with ORS [743B.310 \(Rescinding coverage\)](#).
- 7) A public body, as defined in ORS [174.109 \("Public body" defined\)](#), may not pay health benefit plan premiums on behalf of a detainee. [2014 c.97 §2; 2017 c.329 §1]

B. STATE MARKET PLAN ENHANCEMENTS

None

C. COVERED BENEFITS

IMPORTANT NOTE: Covered benefits are listed in Sections A, B and C. Always refer to Sections A and B for additional covered benefits not listed in this Section.

Note: Refer to the member's Evidence of Coverage (EOC)/Schedule of Benefit (SOB) to determine the coverage eligibility.

OKLAHOMA:

UnitedHealthcare will reimburse Members their out-of-pocket expenses for Services received While Imprisoned or Incarcerated if the services are Covered Services under the terms of this Health Plan. UnitedHealthcare's liability with respect to out-of-network expenses for Covered Services provided in a state or county Hospital is limited to the current Medicare rate pursuant to state law.

OREGON, TEXAS & WASHINGTON:

UnitedHealthcare will reimburse Members their out-of-pocket expenses for Services received While Confined/Incarcerated, or, if a juvenile, while detained in any facility, if the services were provided or authorized by your Primary Care Physician or Participating Medical Group in agreement with the terms of this Health Plan or were Emergency Health Care Services or Urgently Needed Services. This exclusion does not restrict UnitedHealthcare's liability with respect to expenses for Covered Health Care Services solely because the expenses were incurred in a county or state hospital; however, UnitedHealthcare's liability with respect to expenses for Covered Health Care Services provided in a state hospital is limited to the rate UnitedHealthcare would pay for those Covered Health Care Services if provided by a Network Hospital.

D. NOT COVERED

Services while confined are not covered, except as stated in Sections A and C.

OKLAHOMA:

- Services required for injuries or illnesses experienced while imprisoned or incarcerated pursuant to federal, state or local law are not covered unless required by federal or state law.

OREGON, TEXAS & WASHINGTON:

- Services required for injuries or illnesses experienced while under arrest, detained, imprisoned, incarcerated or confined pursuant to federal, state or local law are not covered.

E. POLICY HISTORY/REVISION INFORMATION

Date	State(s) Affected	Action/Description
03/01/2019	All	<ul style="list-style-type: none"> • Archived previous policy version BIP160.G
	Oklahoma	<ul style="list-style-type: none"> • Routine review; no content changes
	Oregon	<p>Federal/State Mandated Regulations</p> <ul style="list-style-type: none"> • Revised language pertaining to <i>2015 ORS 743A.260 Inmates (Updated on 10/06/2017)</i> <p>Covered Benefits</p> <ul style="list-style-type: none"> • Replaced references to: <ul style="list-style-type: none"> ○ "Confined in a city or county jail" with "Confined/Incarcerated" ○ "Covered/Emergency Services" with "Covered/Emergency Health Care Services" ○ "Incurred in a state hospital" with "incurred in a county or state hospital" ○ "Participating Hospital" with "Network Hospital"
	Texas & Washington	<p>Covered Benefits</p> <ul style="list-style-type: none"> • Replaced references to: <ul style="list-style-type: none"> ○ "Confined in a city or county jail" with "Confined/Incarcerated" ○ "Covered/Emergency Services" with "Covered/Emergency Health Care Services" ○ "Incurred in a state hospital" with "incurred in a county or state hospital" ○ "Participating Hospital" with "Network Hospital"