

(D) LIMITATION ON LIABILITY FOR REIMBURSEMENT AND CO-PAYMENTS.

SUBSECTIONS (B) AND (C) OF THIS SECTION DO NOT IMPOSE LIABILITY FOR REIMBURSEMENT OR PAYMENT OF MEDICAL EXPENSES ON ANY PERSON OTHER THAN AN INMATE PERSONALLY OR THROUGH A PERSON THAT PROVIDES INSURANCE, COVERAGE, OR OTHER BENEFITS DESCRIBED UNDER SUBSECTION (B) OF THIS SECTION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 87, § 46(a), (b)(1), (e), and, except as they relate to the Baltimore City Detention Center, (c) and (d).

As to the revision of former Art. 87, § 46 as it relates to the Baltimore City Detention Center, see § 5-405 of this article.

In subsection (a)(1) of this section, the reference to an inmate who is committed to the "custody" of a managing official is substituted for the former reference to an inmate who is committed to the "charge" of a managing official for consistency with § 11-201(a) and (b) of this subtitle.

In subsection (a)(2) of this section, the introductory phrase "[e]xcept as provided in § 11-204 of this subtitle and subject to subsections (b), (c), and (d) of this section" is added to clarify that a county's responsibility for costs associated with food, board, and articles of comfort is limited by these other provisions.

The Correctional Services Article Review Committee notes, for consideration by the General Assembly, that the reference in former Art. 87, § 46(b)(1), which is revised in subsection (a)(1) of this section, to inmates who are "committed" to the custody of the managing official could be interpreted to exclude the following two categories of inmates: (1) inmates who are being held in the custody of a managing official under the terms of a contract with the federal government, another state, or any other entity; and (2) inmates who are being held in the custody of a managing official after being arrested but prior to an appearance before a commissioner or other judicial authority. The General Assembly may wish to amend subsection (a)(1) of this section to clarify that the managing official's duty to provide for the safekeeping, care, and feeding of inmates extends to these two categories of inmates.

In subsection (b)(2)(i) of this section, the reference to an inmate who is "covered" or insured is added because it is not technically accurate to refer to some types of prepaid medical coverage as "insurance".

In subsection (b)(2)(iv) of this section, the phrase "relating to items (i) through (iii) of this item" is added to state expressly that which was only implied in the former law.

In subsection (d) of this section, the former reference to the liability of a person or "entity" is deleted in light of § 1-101 of this article, which defines "person" to include any "entity".