

attending the prisoner may deem necessary. Article 87, § 46 of the Annotated Code of Maryland places financial liability for the cost of medical care for county prisoners on the county. The statute further requires a sick, injured, or disabled prisoner to reimburse the county for the cost of any medical care provided while committed. Services and treatment rendered as a result of admission of a prisoner to a State psychiatric hospital certainly would be part of medical care. While the county is authorized to seek reimbursement from a prisoner's personal assets or insurance or public benefits, nothing negates the county's responsibility for the cost of a prisoner's medical care. If the State were prohibited from billing for mental health care, as provided in House Bill 1364, prisoners would be treated differently from the rest of the State's citizens. The bill, in effect, relieves the prisoner of ultimate financial responsibility for the prisoner's own medical care.

The counties have been billed for costs for the treatment of county prisoners at State psychiatric hospitals since August of 1990. This practice is consistent with the provisions of Article 87, § 46. In addition to prohibiting the State from collecting any money for costs incurred in the future, the bill would also prohibit the State from collecting money currently owed, costs that were billed in accordance with current law. During the difficult fiscal period of the last two years, the State has been attempting to reduce or recover expenses in every way possible. While I am sympathetic to the fiscal constraints placed on local jurisdictions, this proposal runs counter to these recent State efforts.

The bill also requires the State to repay money it has already collected. While this does not involve a large amount, this legislation merely attempts to shift the burden for these expenses, for which current law clearly indicates local government is responsible, to the State. This is simply not the proper way to address these common fiscal problems.

For these reasons, I have vetoed House Bill 1364.

Sincerely,
William Donald Schaefer
Governor

House Bill No. 1364

AN ACT concerning

~~Health Care—Cost of Emergency Evaluations—Billing—Counties~~

~~FOR the purpose of prohibiting the Department of Health and Mental Hygiene from billing a county for the cost of services provided to certain persons under an emergency petition under certain circumstances; altering a certain definition; requiring certain repayment; and providing for the application of this Act.~~

~~BY repealing and reenacting, with amendments,
Article—Health—General
Section 10-628 and 16-101(e)
Annotated Code of Maryland~~