



### **Pre-Lodging Medical Costs for Inmates Assigned to Counties**

The costs of medical exams to check for fitness for confinement that occur after arrest or apprehension but before a subject is lodged in the county jail are the responsibility of the county according to a Court of Appeals case decided on August 14.

In *Chase County v. City of Imperial*, 26 Neb. App. 219, \_\_ N.W.2d\_\_ (2018), a subject was arrested by a City of Imperial police officer and brought to the Chase County jail. Because the subject appeared to be ill and intoxicated and was noncompliant, jail personnel determined that he could not be safely received as a prisoner of the county jail unless he received a medical clearance. The county and city both received bills for the medical exam and refused to pay. The city took the position that the county is responsible for all medical costs after a subject is arrested. The county argued that it should be responsible for costs only after the inmate is lodged in the jail.

The district court sided with the county on a motion for summary judgment and found that the city was responsible for the costs. The city appealed to the Court of Appeals, which reversed the district court's order.

The Court examined the plain language of Neb.Rev.Stat § 47-701 to 47-703 that govern the responsibility for payment of medical costs for persons who are arrested, detained, taken into custody or incarcerated. It did not provide comment on whether the bill was for "medical services" as currently defined by § 47-701.

It noted that under § 47-702, the primary responsibility for payment of the costs of medical services is charged to the recipient of such services if he or she has insurance coverage. If insurance coverage is not available, payment may be sought from other sources, such as the U.S. Department of Veterans Affairs or the Social Security Administration. If reimbursement from those sources is not available, the cost of medical services is paid by the appropriate governmental agency. In this case, the county and city disagreed on which governmental agency is responsible.

Section 47-702 provides that if injuries are suffered during the apprehension or arrest, the apprehending or arresting agency is responsible for the costs. In all other cases, the appropriate governmental entity is the agency responsible for the operation of the facility in which the subject is lodged, except when the agency is holding an individual for another jurisdiction and can seek reimbursement from that jurisdiction.

The county argued that the Nebraska Jail Standards establish that a person who is arrested does not become a prisoner of the jail until he or she is accepted as a prisoner after a meaningful review by the jailer, as governed by the written standards. The Court relied on the "in all other cases" language in § 47-

702 to find that this interpretation goes beyond the plain meaning of the statute and would allow the county to circumvent paying for medical services before the booking process is complete.

The full text of the case is available on the Nebraska Supreme Court's [website](#).