



# Medical Co-Pays in the Pennsylvania Department of Corrections



**The Pennsylvania Department of Corrections (DOC) has reinstated the \$5.00 Medical Co-pay.** At the beginning of the COVID-19 pandemic, the DOC waived the \$5 co-pay for medical services, but in November 2021, medical co-pays were reinstated on medications and medical services.

**You might be charged a medical co-pay each time a medical service is provided.** However, you should not be charged a co-pay in several situations. Please see other side.

**Authorization is required before non-emergency medical service is provided.** You should be informed before receiving treatment whether a fee will be charged. If you agree to the fee, sign an authorization form (**DC-138A Cash Slip**) that should state the type of service you will receive and the amount to be deducted from your account. If you do not sign the cash slip authorizing the co-pay for non-emergency care, then you might not receive that medical care.

**No individual should be denied access to medical care or medications because of an inability to pay.** If you are unable to pay at the time when you get medical care, you should still be able to see a medical staff person and to get your medications. However, the DOC can still charge you the co-pay and expect repayment from you when you are able. The fee will be taken as soon as there are sufficient funds deposited in your account.

**Refusal to sign the authorization form.** If you refuse to sign the authorization form but do not sign a refusal to treatment form, and receive medical treatment, the fee will still be deducted from your account.

**The Department of Correction is NOT PERMITTED to charge a \$5.00 Co-pay on certain medications and services that prescribe medications.** Prisons are legally allowed to charge reasonable fees and co-pays for medical services provided to incarcerated people, but by law, the DOC cannot charge for certain medical services or medication. You can read about medical co-pays in your facility's Inmate Handbook and the PA Department of Corrections Policy DC-ADM 820 Co-Payment for Medical Services.

## How do you know if you have been assessed a Medical Co-Pay?

The Medical Co-Pay will show up on your monthly account statement relating to your inmate trust account.

Please note that the Pennsylvania Institutional Law Project assists incarcerated people with issues related to the conditions of their confinement (e.g., medical care, mental health, excessive force, etc.). We do not assist people with criminal matters, habeas cases, sentencing issues, or parole, and cannot assist with early or compassionate release.

## Below is the list of medical services and treatments for which you should NOT be charged a copay:

1. Medical treatment for a chronic/intermittent disease/illness\* as determined by the medical provider
2. Mental health treatment
3. Assessment or medical screening you receive at intake or transfer
4. Follow-up appointments scheduled by the DOC or an outside medical consultant
5. Medical referral ordered by the DOC or an outside medical consultant
6. Emergency medical care unless the injury was self-inflicted
7. Lab tests, dressing changes, and EKGs
8. Prenatal care for pregnant people
9. Physical or dental exam scheduled by the DOC
10. Infirmary care
11. Hospitalization outside of a DOC prison
12. Long-term care due to age, illness, disease, injury, convalescence or physical or mental infirmity
13. Care for an injury from your prison job
14. Counseling, substance use groups, and other social programs

\*A disease or illness that is deemed "chronic" by the medical provider, based on the professional opinion that the person's condition will require regular return and/or continuous visits for medical services. The following diagnoses provide several examples of diseases/illnesses that may (or may not) be defined as "chronic", depending on the individual inmate's specific diagnosis and medical condition: Asthma, Congestive Heart Failure, Coronary Artery Disease, Diabetes, Dyslipidemia, Hepatitis C, HIV, and Hypertension.

## You also should not be charged for the following medications and devices:

1. Medication refills; A refill is necessary when you have been given a medication for certain chronic illnesses or conditions, and you have to continue that same medication for the same illness. E.g. Medications for diabetes, high blood pressure, high cholesterol are medications that require refills.
2. Psychotropic medications;
3. Eyeglass prescriptions and dentures;
4. Prosthetics (except customized prosthetics);
5. Immunizations for public health reasons; this includes the COVID-19 vaccine, Hepatitis B vaccine, and others.
6. Medication provided for public health reasons.

## What should you do if you are wrongfully charged a Medical Co-Pay?

If you believe you are wrongfully charged a Medical Co-pay, you should file a grievance. Follow all requirements and deadlines described in your institution's PA DOC grievance procedure and appeal all the way to the final level. In the grievance, you should include:

- The date when you received the medical care or medication.
- Why you should not be charged for the medical visit or medication.
- Other information, such as the name of the staff member, the name of the medication, etc., if you know it.
- If you did not sign an authorization form (Cash Slip), include that.
- Ask for a refund.

Please note that the Pennsylvania Institutional Law Project has previously challenged copays in jails and prisons, which were ruled to be legal. We do not intend to pursue another legal challenge. However, if you feel that your rights are being violated as a result of any other procedures or conditions at your institution or if you are seeking information about your rights while you are incarcerated, please feel free to write us at the addresses below.

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