

# Fiscal Note

**BILL #** SB 1201

**TITLE:** ~~appropriation; Ganado School Loop Road S/E:~~  
prisoners; medical records; family access

**SPONSOR:** Pace

**STATUS:** As Amended by House APPROP

**PREPARED BY:** Geoffrey Paulsen

## Description

The bill would allow an inmate in the Arizona Department of Corrections (ADC) to request that a copy of their medical records be sent to a family member or other designated individual and allow the family member or individual to submit recommended medical treatment from a physician who has reviewed the inmate's medical records or previously treated the inmate's medical condition.

## Estimated Impact

We estimate that the bill may require additional administrative work for ADC's inmate health care vendor. Inmates may already request medical records, but the bill does add new requirements. The incremental workload is difficult to predict in advance.

ADC estimates that the bill could cost up to \$635,700. This estimate assumes adding 10 new medical records clerk positions (1 per state-operated prison) and 1 new supervisor to the inmate health care contract. We do not believe ADC has a specific basis for estimating 1 new clerk per prison, as the additional workload cannot be estimated in advance.

## Analysis

ADC houses inmates in both state-operated prisons and private prisons. Health care for inmates in state-operated prisons is provided through a third-party health care vendor while in private prisons, health care is provided either directly from the private prison contractor or through a subcontractor. The health care vendor for state operated prisons provides care to 34,709 inmates, about 75% of the total operating capacity in ADC.

ADC policy currently allows inmates to review their medical records upon written request. In the event of litigation, ADC policy also allows an inmate to request a copy of their medical record, for which ADC charges \$0.50 per page. However, in the event of litigation, current ADC policy is to forward the request to the Attorney General for review prior to providing a copy. The bill would require that the copy be provided within 15 days of the request. The bill would continue to allow ADC to charge a fee for the cost of copying and producing the record.

While the cost of producing the copies of the records would at least partially be offset by a fee, the bill could create additional administrative costs for the health care vendor. This cost would depend on how often inmates elect to utilize the bill's provisions. To the extent that existing staff can absorb the additional workload created by the bill, the cost to the state could be minimal. We are unable to estimate this in advance.

ADC estimated that the bill could require an additional medical records clerk position for each state-operated prison (10 total) and 1 new supervisor position. Based on the current salaries of these positions in the existing vendor contract, ADC estimates this would cost \$635,700.

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The bill is unclear as to whether the requirement also applies to prisoners and records in private prisons. After review, Legislative Council believes the bill's provisions likely apply to inmates housed in private prisons. As a result, the bill could generate additional costs beyond ADC's estimate. Private vendors currently operate a total of 6 prisons with ADC inmates statewide.

Under the bill, a family member could submit recommended medical treatment on the inmate's behalf as long as the recommendation came from a physician who recently reviewed the medical record or had treated the inmate. The bill does not require ADC or the health care provider to implement the recommended medical treatment. If ADC does not implement the recommended treatment, the bill would require that ADC include a written explanation for the decision in the inmate's medical record. We cannot determine in advance whether any recommended medical treatment would be administered, thereby changing costs to the health care provider.

**Local Government Impact**

None

4/25/22