

441.560 Transfer of prisoners for medical treatment.

- (1) When a prisoner in a jail, regional jail, or holdover is injured, is or becomes sick or ill, or requires specialized medical care or long-term medical care which is not available at the local jail, the jailer or other person in charge of the jail, regional jail, or holdover may request that the commissioner of the department, or the commissioner's designee in writing, transfer the prisoner to a facility operated by the department or under contract to the department for the provision of necessary medical treatment and care.
- (2) The commissioner, or the commissioner's designee in writing, may authorize the transfer of the prisoner to a facility operated by the department or under contract to the department for the length of time necessary to secure medical treatment and care for the prisoner. Following medical care and treatment the prisoner shall be returned to the jail, regional jail, or holdover.
- (3) If the commissioner or the commissioner's designee, in writing, authorizes the transfer of the prisoner to a facility operated by the department or under contract to the department, then the department shall pay:
 - (a) The costs of transfer to and from the department's facilities;
 - (b) The room, board, and related costs for the prisoner while the prisoner is in the custody of the department; and
 - (c) The costs for medical care, treatment, medicines, and supplies for the prisoner while the prisoner is in the custody of the department.
- (4) The department shall have no legal duty to transfer any prisoner to the department for medical treatment and care. The decision of the commissioner or the commissioner's designee, in writing, whether or not to accept a prisoner for transfer to the department shall be subject to appeal to the secretary of justice and public safety.
- (5) The department shall promulgate administrative regulations relating to the transfer of prisoners to the department for medical treatment and care.
- (6) When a prisoner is transferred to the department for medical care and treatment, the jailer or other person in charge of the jail, regional jail, or holdover shall notify the following persons of the reason for the transfer, the fact of the transfer, and the general reasons for the transfer:
 - (a) The prisoner's next of kin;
 - (b) The prisoner's attorney of record;
 - (c) The Commonwealth's attorney or county attorney, as appropriate; and
 - (d) The Chief Circuit Judge or Chief District Judge, as appropriate.
- (7) When a prisoner is returned to the jail, regional jail, or holdover by the department, the jailer or other person in charge of the jail, regional jail, or holdover shall notify the persons specified in subsection (6) of this section of the prisoner's return.
- (8) The department's costs of providing care, drugs, medications, travel, and all other expenses authorized by this section shall be a necessary governmental expense.

Effective: June 26, 2007

History: Created 2007 Ky. Acts ch. 128, sec. 2, effective June 26, 2007.

Legislative Research Commission Note (6/26/07). 2007 Ky. Acts chs. 24, 47, and 85 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2007 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.