



North Carolina Department of Health and Human Services  
 Division of Health Service Regulation  
 Construction Section

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TO: All North Carolina Jail and Detention Facilities

FROM: Steven C. Lewis, Chief  
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SUBJECT: Fees Charged for Various Products and Services Beyond Statute.

It has come to our attention that some facilities are charging for products and services that are not covered by statute. After consultation with the Attorney General's office of North Carolina we are giving the following guidance to all facilities.

The Short answer to this question is NO, you may not charge for products or services that are not covered in the statute.

**LAW:**

In North Carolina, the Secretary of the Department of Health and Human Services shall develop and publish minimum standards for the operation of local confinement facilities and the standards shall be developed with a view to providing secure custody of prisoners and to protecting their health and welfare and providing for their humane treatment. See N.C.G.S. §153A-221(a). The standards shall provide for (1) secure and safe physical facilities...(6) personal hygiene and comfort of prisoners...(7) medical care for prisoners...[and] (8) sanitation. Id. "The operations and enforcement standards established in Section .0100 through .1100 and Section .1300 [of Title 10A, Subchapter 14J of the North Carolina Administrative Code] **shall** apply to **all** jails." 10A NCAC 14J .0102 .

**Medical Care**

With respect to medical services, a written medical plan shall be developed in compliance with N.C.G.S. § 153A-225. 10A NCAC 14J .1001(a). As a part of the plan, each county may establish fees of not more than twenty dollars (\$20.00) per incident for the provision of non-emergency medical care to prisoners and a fee of not more than ten dollars (\$10.00) for a 30-day supply or less of a prescription drug. Each county **must establish a procedure for waiving fees for indigent prisoners.** N.C.G.S. §153A-225(a). Any person who violates any provision of this section is guilty of a Class 1 misdemeanor. N.C.G.S. §153A-225(c). **Some counties, pursuant to their current Inmate Medical Services Policy, may be charging the account of indigent inmates for medical services who do not have sufficient funds to cover the costs at the time the services are rendered, then subsequently debiting the inmates' accounts to cover these charges as monies are added to the inmates' accounts. This practice is in direct violation of the statute.**

The county operating the facility shall pay the cost of emergency medical services unless the inmate has third-party





insurance. The county shall only be liable for costs not reimbursed by the third-party insurer, in which event the county may recover from the inmate the cost of the non-reimbursed medical services. N.C.G.S. § 153A-224(a). Any person who violates any provision of this section is also guilty of a Class 1 misdemeanor. See N.C.G.S. §153A-224(c). This statutory provision allows the counties to recover from the inmate the cost of any non-reimbursed **emergency** medical services **only if** the inmate has insurance. Therefore, if the inmate does not have insurance, then the county is wholly responsible for the cost of all emergency medical services.

Since the statute only allows a maximum charge of twenty dollars (\$20.00) per incident for non-emergency medical care, counties cannot charge inmate more than twenty dollars (\$20.00) for transportation to a private doctor, i.e. an incident of a non-emergency medical service. Counties are statutorily limited to charging a maximum of twenty dollars (\$20.00) for this service. Additionally, counties are statutorily limited to charging a maximum of ten dollars (\$10.00) for a 30-day supply or less of a prescription drug.

### Soap

Every jail **shall** comply with the North Carolina Commission for Public Health rules regarding sanitation as codified at 15A NCAC 18A .1500. See NCAC 14J .0701. Each cell shall be provided with access to toilet and hand-washing facilities, and soap and individual towels **shall** be provided. 15A NCAC 18A .1510(a). Therefore, the county jails must provide soap to all inmates.

### Bed Linen

Clean bed linen shall be provided for each occupant and shall be changed as often as necessary. 15A NCAC 18A .1517(b). There is nothing that prevents the county jails from scheduling linen change once a week; however, should an inmate soil his linen prior to the scheduled linen change, the county jails are obligated to change the linen as necessary.

### Personal Hygiene

With regards to personal hygiene, each inmate detained over twenty-four (24) hours **shall** be provided with individual shaving supplies, except when security considerations dictate otherwise. 10A NCAC 14J .0703. Inmates shall have access to showers a minimum of three (3) times per week. Inmate on work release shall have daily access to showers. **Bath towels and soap shall be provided.** Inmates shall have unrestricted daily access to toilets while confined. 10A NCAC 14J .0704. Again, the county jails are required to provide soap to inmates and, therefore, cannot charge inmates for standard-issued soap. This rule does not prohibit the county jails from making other special soap available for purchase in the commissary. Also, if the regulations provide that inmates shall have unrestricted access to toilets, inmates will also be provided with toilet paper as necessary.

### Hygiene Kit

Every inmate detained over twenty-four (24) hours shall be issued **without charge** a toothbrush, toothpaste or powder, a comb, and feminine hygiene products, as appropriate. After a newly admitted inmate has exhausted his or her initial supply of personal hygiene items, each jail shall make these items available **either for purchase or without charge**. See 10A NCAC 14J .0705. For example, one Sheriff's Department issues a hygiene kit that includes soap, a toothbrush, toothpaste, a comb, and deodorant. **Indigent inmates are allowed to order one (1) hygiene kit per week and the cost of the hygiene kit cannot be charged to the inmate account for collection once monies have been added.** The jail is allowed to charge inmates for additional hygiene kits after providing the first hygiene kit free of charge, **but it cannot charge inmates for soap.**

**The standards for operating county jails have been statutorily vested in the Secretary of the Department of Health and Human Services.** Therefore, the counties, which act on behalf of the State, cannot charge fees for products and services that they are required by statute to provide for inmates. In addition, for those products and services the counties are allowed to make available to inmates for purchase, the counties cannot charge fees that exceed the maximum amount allowed by statute. **The price of these items shall be no higher than local retail prices.**