



## D 2025 007

### EXECUTIVE ORDER

#### Directing the Colorado Department of Corrections to Take Action Related to Health Care Copayments and Fees Policies

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order directing the Colorado Department of Corrections to take action related to health care copayments and fees policies.

#### **I. Background and Purpose**

In 1976, in *Estelle v. Gamble*, 429 U.S. 97 (1976), the United States Supreme Court stated that the government has an obligation to provide medical care for those whom it is punishing by incarceration. The Colorado Department of Corrections (DOC) takes this responsibility seriously, and it is DOC's policy to provide necessary medical, dental, and behavioral health care to individuals who are incarcerated, and ensure incarcerated individuals have access to health care regardless of their ability to pay. This is core to one of DOC's values to safeguard the safety, dignity, and well-being of all.

Pursuant to C.R.S. § 17-1-113(2), DOC is directed to assess a copayment, in an amount established by written procedures of the Executive Director. Pursuant to this statute, DOC sets out its policy in Administrative Regulation 700-30, which outlines the circumstances under which individuals who are incarcerated may be assessed health care related copayments and fees.

During the recently concluded legislative session, the General Assembly passed House Bill 25-1026 (HB 25-1026), "Repeal Copayment for Department of Corrections Inmate Health Care," which repeals C.R.S. § 17-1-113 and prohibits DOC from assessing a copayment for medical, dental, mental health, or optometric services, including specialty or emergency care services. HB 25-1026 would also prohibit DOC from assessing a fee against an incarcerated individual for failing to attend, failing to provide timely notice when unable to attend, or otherwise refusing a scheduled health care appointment.

Today, in conjunction with this Executive Order, I vetoed HB 25-1026. As outlined in my veto letter, I appreciate the bill sponsors' efforts to address the cost of health care related copayments for individuals incarcerated in DOC facilities. However, the changes directed by this bill reflect a degree of micromanagement of DOC operations that I cannot support, and are better

addressed through internal policy changes. DOC must retain the flexibility to determine its own policies and procedures based on the unique circumstances that come with running a state prison system, including those related to health care.

While I do not support a statutory prohibition on assessing copayments and fees on incarcerated individuals, I believe it is appropriate for DOC to review and revise policies and procedures pursuant to their existing authority, and to reduce the amount of copayments assessed against an individual's account for health care services. DOC should also undertake data collection and analysis efforts regarding fees charged to individuals who do not attend appointments for various reasons, and use a data-driven approach to develop a recommendation for my review regarding a revised policy for the use of fees.

## **II. Declarations and Directives**

- A. I direct the Colorado Department of Corrections to review and revise its existing written procedures per C.R.S. § 17-1-113(4) relating to medical, mental health, dental, and optometric service copayments and reduce the amount of the copayment to be assessed against an inmate's account for inmate-initiated medical, mental health, dental, and optometric services, and to review and revise the list of specific services for which a copayment will be waived, and the list of the specific and exclusive bases upon which a copayment may be waived by DOC personnel. These adjustments should be completed and communicated no later than August 1, 2025.
  
- B. I direct the Colorado Department of Corrections to enhance its data collection and analysis regarding fees charged for individuals who refuse to attend, fail to attend, or fail to properly cancel a previously scheduled medical, mental health, dental, or optometric appointment, as well as specialty appointments, and submit to the Governor by August 1, 2025, a recommendation regarding a revised policy for the use of fees for these purposes based on the data collection and analysis efforts.

**III. Duration**

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the  
Executive Seal of the State of  
Colorado this twenty-ninth  
day of May, 2025.

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis  
Governor