

Assembly Hearing Slip

(Please print plainly)

Date: 2-23-2000

Bill No. RB 795

Or. \_\_\_\_\_

Subject: \_\_\_\_\_  
RSP. CODES

(Name) \_\_\_\_\_

(Street Address or Route Number) \_\_\_\_\_

(City & Zip Code) \_\_\_\_\_  
AVTAX

(Representing) \_\_\_\_\_

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2-23-00

Bill No. RB-4168/P1

Or. \_\_\_\_\_

Subject: \_\_\_\_\_  
Dan Muehle & Hildebrand

(Name) \_\_\_\_\_

(Street Address or Route Number) \_\_\_\_\_  
100 River Place, Suite 104

(City & Zip Code) \_\_\_\_\_  
Madison, WI 53716

(Representing) \_\_\_\_\_  
Wisconsin Venture Association

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

Assembly Hearing Slip

(Please print plainly)

Date: 2/23/00

Bill No. RB 4168/P1 / AB 795

Or. \_\_\_\_\_

Subject: \_\_\_\_\_  
Naty Ordians

(Name) \_\_\_\_\_

(Street Address or Route Number) \_\_\_\_\_  
199 E. Wilson

(City & Zip Code) \_\_\_\_\_  
Madison

(Representing) \_\_\_\_\_  
Dist. of Corrections

Speaking In favor:

Speaking against:

Registering In favor:

Registering against:

Speaking for Information only:

Neither for nor against:

Please return this slip to a messenger promptly.

Assembly Sergeant at Arms  
Room 411 West  
State Capitol  
Madison, WI 53702

# ASSEMBLY COMMITTEE ON CORRECTIONS AND THE COURTS

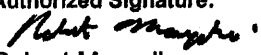
## AGENDA

Wednesday, Feb. 23, 2000

8:30 a.m.

Room 225 NW

- I. Call to Order
- II. Roll Call
- III. Executive Session
  - A. **AB 722 (Walker/George)**  
Relating to: probation, parole and extended supervision agent positions, purchase of services for persons on probation and parole and making an appropriation.
- IV. Public Hearing
  - A. **AB 743 (Walker/Darling)**  
Relating to: probation, parole and extended supervision agents responsible for locating absconders.
  - B. **LRB 4168/P1 (Coggs) - AB 795**  
Relating to: jail prisoner medical records.
  - C. **AB 691 (Krug/Panzer)**  
Relating to: fiscal estimates for bills containing criminal penalty provisions, establishing a corrections special reserve fund and making appropriations.
- V. Announcements
  - A. Joint meeting w/ Criminal Justice - March 1
  - B. Committee hearing w/ DOC - March 8
- VI. Adjournment

<b>1999 Session</b>		LRB Number <b>4168/2</b>
<b>FISCAL ESTIMATE</b> DOA-2048 N(R06/99)		Bill Number <b>AB 0795</b>
<input type="checkbox"/> ORIGINAL <input type="checkbox"/> UPDATED <input type="checkbox"/> CORRECTED <input type="checkbox"/> SUPPLEMENTAL		Amendment No. if Applicable
<b>Subject</b>  <b>Relating to jail prisoner medical records.</b>		Administrative Rule Number
<b>Fiscal Effect</b> State: <input type="checkbox"/> No State Fiscal Effect Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.		
<input type="checkbox"/> Increase Existing Appropriation <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Appropriation <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Create New Appropriation		<input type="checkbox"/> Increase Costs - May be possible to Absorb Within Agency's Budget <input type="checkbox"/> Yes <input type="checkbox"/> No  <input type="checkbox"/> Decrease Costs
<b>Local:</b> <input type="checkbox"/> No local government costs		
1. <input type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	3. <input type="checkbox"/> Increase Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	5. Types of Local Governmental Units Affected: <input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities <input type="checkbox"/> Counties <input type="checkbox"/> Others _____ <input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts
2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	4. <input type="checkbox"/> Decrease Revenues <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
<b>Fund Sources Affected</b> <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S		<b>Affected Chapter 20 Appropriations</b>
<b>Assumptions Used in Arriving at Fiscal Estimate</b>  This bill would require DOC to develop a standardized form for use in jails and houses of corrections for recording a prisoner's medical conditions and history. This bill also requires certain jailers to complete the form for each prisoner being transferred to DOC or to another county's jail or house of correction at the time of the transfer.  It is anticipated that this bill would have negligible fiscal impact on the department. It is unknown at this time if there would be any fiscal impact on the participating counties.		
<b>Long-Range Fiscal Implications</b>		
<b>Prepared by:</b>  Colleen Godfriaux	<b>Telephone No.</b>  266-0300	<b>Agency</b>  Corrections
<b>Authorized Signature:</b>  Robert Margolies	<b>Telephone No.</b>  266-2931	<b>Date</b>  3/1/00

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 3/8/00  
 Moved by: unanimous consent  
 AB: 795  
 AB: \_\_\_\_\_ SB: \_\_\_\_\_  
 AJR: \_\_\_\_\_ SJR: \_\_\_\_\_  
 A: \_\_\_\_\_ SR: \_\_\_\_\_

Seconded by: \_\_\_\_\_  
 Clearinghouse Rule: \_\_\_\_\_  
 Appointment: \_\_\_\_\_  
 Other: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: LRB 50386/1 (ASR1)  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: \_\_\_\_\_

Motion Carried       Motion Failed

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 3/8/00  
 Moved by: Goetsch      Seconded by: Balow  
 AB: 795      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_  
 A: \_\_\_\_\_      Other: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: LRBs 0386/1 (A541)  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- |  |  |
|--|--|
| <input type="checkbox"/> Passage             | <input type="checkbox"/> Indefinite Postponement |
| <input type="checkbox"/> Introduction        | <input type="checkbox"/> Tabling                 |
| <input checked="" type="checkbox"/> Adoption | <input type="checkbox"/> Concurrence             |
| <input type="checkbox"/> Rejection           | <input type="checkbox"/> Nonconcurrence          |
|  | <input type="checkbox"/> Confirmation            |

Committee Member	Aye	No	Absent	Not Voting
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>1</u>	<u>1</u>	_____

# Vote Record

## Assembly Committee on Corrections and the Courts

Date: 3/18/00  
 Moved by: Goetsch      Seconded by: Coggs  
 AB: 795      Clearinghouse Rule: \_\_\_\_\_  
 AB: \_\_\_\_\_      Appointment: \_\_\_\_\_  
 AJR: \_\_\_\_\_      SR: \_\_\_\_\_      Other: \_\_\_\_\_  
 A: \_\_\_\_\_

A/S Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_  
 A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_  
 A/S Amdt: \_\_\_\_\_ to A/S Amdt: \_\_\_\_\_ to A/S Sub Amdt: \_\_\_\_\_

- Be recommended for:
- Passage
  - Introduction
  - Adoption
  - Rejection
  - Indefinite Postponement
  - Tabling
  - Concurrence
  - Nonconcurrence
  - Confirmation

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Scott Walker, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Robert Goetsch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Carol Owens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tim Hoven	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Gundrum	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Larry Balow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Mark Pocan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Tony Staskunas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. David Travis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>1</u>	<u>1</u>	_____



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: [leg.council@legis.state.wi.us](mailto:leg.council@legis.state.wi.us)

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DATE: March 22, 2000

TO: INTERESTED LEGISLATORS

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: 1999 Assembly Bill 795, Relating to Prisoner Medical Records, Assembly Substitute Amendment 1 to the Bill and Assembly Amendments 1 and 2 to the Substitute Amendment

This memorandum describes 1999 Assembly Bill 795, relating to prisoner medical records, Assembly Substitute Amendment 1 to the bill and Assembly Amendments 1 and 2 to the substitute amendment. Assembly Bill 795 was introduced by you and others; cosponsored by Senator Moore and others on February 23, 2000. The Assembly Committee on Corrections and the Courts held a public hearing on the bill on February 23, 2000 and recommended passage of the bill on March 8, 2000 on a vote of Ayes, 10; Noes, 1. Assembly Amendments 1 and 2 to the substitute amendment were introduced by Representatives Coggs and Walker on March 16, 2000.

### **A. 1999 ASSEMBLY BILL 795**

Assembly Bill 795 provides that the Department of Corrections (DOC) must provide each jailer a standardized form for recording a prisoner's medical conditions and history. In the bill, "jailer" means the sheriff, superintendent or other keeper of each jail or house of correction. Under the bill, jailers in Brown, Dane, Kenosha, Marathon, Milwaukee, Outagamie, Racine, Rock, Waukesha and Winnebago Counties must complete the form for each prisoner being transferred to another county's jail or house of correction and must provide to the jailer of the other jail or house of correction at the time of transfer.

### **B. ASSEMBLY SUBSTITUTE AMENDMENT 1 TO THE BILL**

The substitute amendment requires the DOC to provide each jailer a standardized form for recording the medical conditions and history of prisoners being transferred to the DOC or another county's jail or house of correction. "Jailer" means the sheriff, superintendent or other keeper of a jail or house of correction under the substitute amendment. Under the substitute amendment, "prisoner" means any person who is either arrested, incarcerated, imprisoned or

otherwise detained in a jail, house of correction or prison but does *not* include any of the following:

1. Any person who is serving a sentence of home detention with electronic monitoring unless the person is in the county jail or house of correction for failure to comply with the terms of the home detention.
2. Any child held in custody under the Children's Code.
3. Any child participating in the Mother-Young Child Program for certain incarcerated females.
4. A juvenile held in a jail or municipal lockup facility that the DOC has approved as a suitable place for holding juveniles in custody pursuant to the Juvenile Justice Code.

Jail medical staff must complete the form and provide it to the receiving institution intake staff at the time of a transfer. "Jail medical staff" means a nurse, physician, physician assistant, podiatrist, physical therapist, dentist or chiropractor employed by the DOC or a jail or house of correction. "Receiving institution intake staff" is defined as the warden or superintendent or his or her designee, if a prisoner is transferred to a prison, or the jailer or his or her designee, if a prisoner is transferred to a jail.

If the jail does not have medical staff on duty at the time of a transfer, the officer in charge must complete as much of the form as possible and provide it to the receiving institution intake staff at the time of transfer. In such a case, the jailer must ensure that all of the following occur *within 24 hours* after the transfer:

1. The jail medical staff, the prisoner's health care provider or, if the prisoner does not have a health care provider, a health care provider under contract with the jail or house of correction reviews the form provided to the receiving institution at the time of the transfer.
2. The medical staff or health care provider reviewing the form corrects any errors in the form and includes in it any additional available information.
3. The medical staff or health care provider reviewing the form transmits the updated form or the information included on the form by the quickest available means to the receiving institution intake staff.

The substitute amendment requires the DOC to complete the form for each prisoner whom the DOC transfers to a jail or house of correction and requires DOC to provide it to the receiving institution intake staff at the time of transfer, except that this provision does not apply if the DOC provides a copy of the prisoner's complete medical file to the receiving institution intake staff at the time of the transfer. In addition, if the prison does not have medical staff on duty at the time of a transfer, the officer in charge must complete as much of the form as possible and provide it to the receiving institution intake staff at the time of the transfer. The DOC shall then ensure that the prison medical staff, the prisoner's health care provider or a



health care provider under contract with the DOC completes the activities described in items 1. to 3., above, within 24 hours after the transfer.

The substitute amendment provides that the receiving institution intake staff may make a health summary form available to any of the following:

1. The prison's, jail's or house of correction's medical staff.
2. A prisoner's health care provider.
3. In the case of a prison, jail or house of correction that does not have medical staff on duty at the time of the transfer, a health care provider designated by the DOC or the jailer to review health summary forms.
4. In the case of a jail or house of correction that does not have medical staff, a person designated by the jailer to maintain prisoner medical records.

The substitute amendment also provides that each health care provider, other than medical staff, who provides health care services to a prisoner must provide the DOC or the jail or house of correction in which the prisoner is confined a written summary of the services provided and a description of follow-up care and treatment that the prisoner requires. The treatment summary may be made available to medical staff at the prison, jail or house of correction at which the prisoner is confined or the prisoner's health care provider or, in the case of a jail that does not have medical staff, to a person designated by the jailer to maintain prisoner medical records.

Under the substitute amendment, health care providers providing health care services to a prisoner or medical staff at the prison, jail or house of correction in which a prisoner is confined may obtain patient health care records for the prisoner from other health care providers who have provided health care services to the prisoner while he or she has been confined in a prison, jail or house of correction and from other prisons, jails or houses of correction in which the prisoner has been confined.

The substitute amendment includes the health summary forms described above under the definition of "patient health care records" in s. 146.82 (4), Stats. Among other things, this means that all health summary forms must remain confidential and may only be released as specifically provided under current law. In addition, the substitute amendment provides an exception to the confidentiality requirement for the health summary forms so that such records may be disclosed to a prisoner's health care provider, the medical staff of a prison, jail or house of correction in which a prisoner is confined, the receiving institution intake staff at a prison, jail or house of correction to which a prisoner is being transferred or a person designated by a jailer to maintain prisoner medical records if the disclosure is made under the provisions created by the substitute amendment as described above. The substitute amendment creates an identical exception for results of a test for the presence of human immunodeficiency virus (HIV) antigen or nonantigenic products of HIV or an antibody to HIV if the results are disclosed in a health summary form, as described above.

**C. ASSEMBLY AMENDMENT 1 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Under Assembly Amendment 1 to the substitute amendment, jail medical staff is not required to complete the health summary form upon transfer of a prisoner if the jailer or his or her designee provides a copy of the prisoner's complete medical file to the receiving institution intake staff at the time of the transfer.

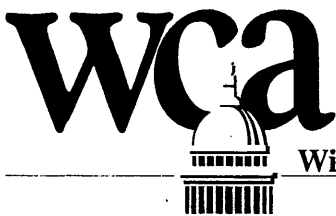
**D. ASSEMBLY AMENDMENT 2 TO ASSEMBLY SUBSTITUTE AMENDMENT 1**

Assembly Amendment 2 requires the jailer, warden or superintendent or that person's designee to complete as much of a health summary form as possible upon transfer of a prisoner if the jail or prison does not have medical staff on duty at the time of the transfer instead of requiring the officer in charge to complete the form.

Also under the amendment, the provisions of the bill take effect on the first day of the sixth month beginning after publication. As currently drafted, the substitute amendment does not specify an effective date and the provisions of the bill would, therefore, take effect on the day after publication.


If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:jal:ksm:rv:wu



MEMORANDUM

TO: Honorable Members of the Assembly Committee on Corrections and the Courts

FROM: Sarah Diedrick-Kasdorf, Legislative Associate 

DATE: February 23, 2000

SUBJECT: LRB-4168/P1 – Jail Prisoner Medical Records

The Wisconsin Counties Association (WCA) supports the concept of LRB-4168/P1, which requires a county to transfer the medical records of a county jail inmate to another county upon the transfer of the inmate. WCA believes that the transfer of medical records is vital to the health and well being of inmates.

However, WCA has some concerns with the preliminary draft and respectfully requests the following modifications:

1. Definition of jailer: WCA requests that the definition of jailer be modified to ensure that jail intake staff, medical staff, etc., have the authority to complete the standardized form prescribed by the Department of Corrections.
2. Expansion of the bill to all counties: WCA believes that the transfer of medical information should not be limited to the ten largest counties but should be expanded to include all county jails and houses of correction.
3. Confidentiality issues: Due to the confidential nature of medical records, WCA requests that the preliminary draft be amended to provide counties immunity from lawsuits that may arise as a result of the sharing of confidential medical records. While confidential medical records can be transferred between medical personnel, county jails do not have medical staff on duty 24 hours to accept medical records or release medical records. While counties are willing to transfer records in envelopes clearly labeled as confidential medical records, county jail intake staff will need to have access to these records upon the arrival of a new inmate from another county jail. We are willing to work with the committee and Department of Corrections to draft language to maintain inmate confidentiality while protecting the interests of counties.

Thank you for considering our comments.

**CONFIDENTIAL**

**PURPOSE OF DISCLOSURE: CONTINUITY OF CARE**

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

**County Jail  
Health Transfer Form**

Date of transfer: \_\_\_\_\_ Receiving facility: \_\_\_\_\_

Inmate name: \_\_\_\_\_ DOB: \_\_\_\_\_

Allergies: \_\_\_\_\_

Recent or pertinent medical problems/history: \_\_\_\_\_  
\_\_\_\_\_

Assistive Devices/Prosthetics: \_\_\_\_\_

Disabilities/Limitations: \_\_\_\_\_

Current Mental Health Precautions/Treatment: \_\_\_\_\_  
\_\_\_\_\_

Suicide Watch      No       Yes       Dates: \_\_\_\_\_

Suicide Attempts      No       Yes       Dates: \_\_\_\_\_

Medication Name, Dose and Frequency	Reason	Last Taken	Prescribing Physician (Phone Number)

Medications sent with inmate:      No       Yes       Quantity sent: \_\_\_\_\_  
Pharmacy (if known): \_\_\_\_\_ Phone No.: \_\_\_\_\_

Copy of medication sheet(s) sent:      No       Yes

TB Mantoux      Date Given: \_\_\_\_\_      Date Read: \_\_\_\_\_      Result: \_\_\_\_\_

Chest X-Ray      Date Given: \_\_\_\_\_      Result: \_\_\_\_\_

TB Medications: \_\_\_\_\_      Start Date: \_\_\_\_\_

Special needs: \_\_\_\_\_  
\_\_\_\_\_

Please call our agency for further information

Person processing transfer: \_\_\_\_\_  
signature/title      date

Jail Nurse: \_\_\_\_\_      Jail Nurse's Phone: \_\_\_\_\_  
Fax: \_\_\_\_\_



County of Milwaukee

FEB 29 2000

# Office of the Sheriff

---

Leverett F. Baldwin  
Sheriff

February 28, 2000

Representative Scott Walker  
Chair of the Assembly Committee on Corrections and the Courts  
P. O. Box 8953  
Madison, Wisconsin 53708-8953

Dear Representative Walker:

Thank you for sending me a copy of the legislation pertaining to the transfer of jail prisoner medical records and your solicitation of my input regarding this measure. I have reviewed the proposed legislation and strongly support its' passage with an amendment that would require every county in the state to provide medical information for prisoners being transferred from one agency to another.

Please feel free to contact me if you require any additional information or assistance regarding this or any other matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "LFB", written over a horizontal line.

Leverett F. Baldwin, Sheriff  
Milwaukee County, Wisconsin

walkert

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414-278-4766 • <http://www.mksheriff.org>

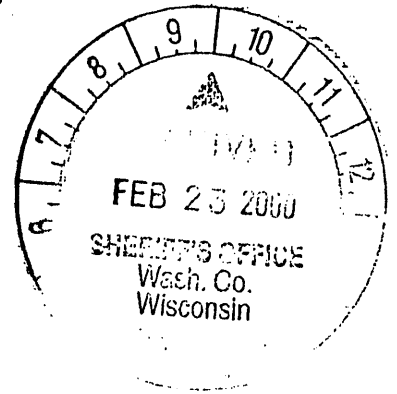


**Scott Walker**

Wauwatosa's Representative in the Wisconsin State Assembly

205  
401

FEB 28 2000



**MEMO**

**TO:** Wisconsin sheriffs

**FROM:** Rep. Scott Walker, chair of the Assembly Committee on Corrections and the Courts

**DATE:** February 21, 2000

**RE:** jail inmate medical records

Enclosed is a copy of legislation pertaining to the transfer of jail prisoner medical records. As this legislation will receive a public hearing Wednesday and could receive a committee vote in the near future, I believe it is important to solicit your input on this measure. My office has also forwarded this proposal to the Wisconsin Counties Association and the Wisconsin Sheriffs and Deputy Sheriffs Association. Please contact my office at 1-888-534-0014 or [Scott.Walker@legis.state.wi.us](mailto:Scott.Walker@legis.state.wi.us) at your earliest convenience with any questions and/or comments.

Thank you!

**I HAVE WORKED AS A NURSE AT THE WASHINGTON COUNTY JAIL FOR OVER 12 YEARS. THE JAIL NURSES OF WISCONSIN HAVE ALREADY ESTABLISHED A MEDICAL TRANSFER FORM THAT HAS BEEN IN USE FOR SEVERAL YEARS, FOR INMATES GOING TO PRISON, OR OTHER JAILS. I DON'T FEEL THAT THIS NEEDS TO BE LEGISLATED, BECAUSE THE JAILS SHOULD ALREADY BE DOING THIS WITH THE EXISTING FORM.**

*Steven Waldhart RN*  
**Steven Waldhart RN**

262-335-4740

# G. Spencer Coggs

## State Representative



Government Operations  
Committee on Children & Families  
Committee on Corrections & the Courts

American Indian Study Legislative  
Council Committee

February 1, 2000

TO: All Legislators

FROM: Rep. Spencer Coggs

RE: LRB 4168/1 - Relating to jail prisoner medical records

I am introducing legislation that would require the 10 most populous counties in Wisconsin to utilize a medical information form created by the state when persons in custody are transferred from one county to another. It is widely believed that the death last year of former UW Regent Paul Schilling could have been prevented had such a form been instituted. I knew Paul Schilling well and what happened to him was tragic. But it would be more tragic if we allowed people not as well-known to be affected by this lack of cooperation between counties. If you would like to co-sponsor this legislation, please contact my office (266-5580) by **February 18, 2000**.

### ***Analysis by the Legislative Reference Bureau***

Under current law, if a prisoner needs medical care, the sheriff, superintendent or other keeper of the jail or house of correction in which the prisoner is confined must provide the prisoner appropriate care or treatment. In addition, under current law, the department of corrections (DOC) must establish, by rule, program standards for jails and houses of correction, which must include certain policies and procedures regarding the provision of medical care to prisoners.

This bill requires DOC to develop a standardized form for use in jails and houses of correction for recording a prisoner's medical conditions and history. The bill also requires jailers in Brown, Dane, Kenosha, Marathon, Milwaukee, Outagamie, Racine, Rock, Waukesha and Winnebago counties to complete the form for each prisoner being transferred to another county's jail or house of correction at the time of the transfer.



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## WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

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DATE: March 22, 2000

TO: INTERESTED LEGISLATORS

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: 1999 Assembly Bill 795, Relating to Prisoner Medical Records and Assembly Substitute Amendment 1 to the Bill

This memorandum describes 1999 Assembly Bill 795, relating to prisoner medical records and Assembly Substitute Amendment 1 to the bill. Assembly Bill 795 was introduced by you and others; cosponsored by Senator Moore and others on February 23, 2000. The Assembly Committee on Corrections and the Courts held a public hearing on the bill on February 23, 2000 and recommended passage of the bill on March 8, 2000 on a vote of Ayes, 10; Noes, 1.

### **A. 1999 ASSEMBLY BILL 795**

Assembly Bill 795 provides that the Department of Corrections (DOC) must provide each jailer a standardized form for recording a prisoner's medical conditions and history. In the bill, "jailer" means the sheriff, superintendent or other keeper of each jail or house of correction. Under the bill, jailers in Brown, Dane, Kenosha, Marathon, Milwaukee, Outagamie, Racine, Rock, Waukesha and Winnebago Counties must complete the form for each prisoner being transferred to another county's jail or house of correction and must provide to the jailer of the other jail or house of correction at the time of transfer.

### **B. ASSEMBLY SUBSTITUTE AMENDMENT 1 TO THE BILL**

The substitute amendment requires the DOC to provide each jailer a standardized form for recording the medical conditions and history of prisoners being transferred to the DOC or another county's jail or house of correction. "Jailer" means the sheriff, superintendent or other keeper of a jail or house of correction under the substitute amendment. Under the substitute amendment, "prisoner" means any person who is either arrested, incarcerated, imprisoned or otherwise detained in a jail, house of correction or prison but does *not* include any of the following:



1. Any person who is serving a sentence of home detention with electronic monitoring unless the person is in the county jail or house of correction for failure to comply with the terms of the home detention.
2. Any child held in custody under the Children's Code.
3. Any child participating in the Mother-Young Child Program for certain incarcerated females.
4. A juvenile held in a jail or municipal lockup facility that the DOC has approved as a suitable place for holding juveniles in custody pursuant to the Juvenile Justice Code.

Jail medical staff must complete the form and provide it to the receiving institution intake staff at the time of a transfer. "Jail medical staff" means a nurse, physician, physician assistant, podiatrist, physical therapist, dentist or chiropractor employed by the DOC or a jail or house of correction. "Receiving institution intake staff" is defined as the warden or superintendent or his or her designee, if a prisoner is transferred to a prison, or the jailer or his or her designee, if a prisoner is transferred to a jail.

If the jail does not have medical staff on duty at the time of a transfer, the officer in charge must complete as much of the form as possible and provide it to the receiving institution intake staff at the time of transfer. In such a case, the jailer must ensure that all of the following occur *within 24 hours* after the transfer:

1. The jail medical staff, the prisoner's health care provider or, if the prisoner does not have a health care provider, a health care provider under contract with the jail or house of correction reviews the form provided to the receiving institution at the time of the transfer.
2. The medical staff or health care provider reviewing the form corrects any errors in the form and includes in it any additional available information.
3. The medical staff or health care provider reviewing the form transmits the updated form or the information included on the form by the quickest available means to the receiving institution intake staff.

The substitute amendment requires the DOC to complete the form for each prisoner whom the DOC transfers to a jail or house of correction and requires DOC to provide it to the receiving institution intake staff at the time of transfer, except that this provision does not apply if the DOC provides a copy of the prisoner's complete medical file to the receiving institution intake staff at the time of the transfer. In addition, if the prison does not have medical staff on duty at the time of a transfer, the officer in charge must complete as much of the form as possible and provide it to the receiving institution intake staff at the time of the transfer. The DOC shall then ensure that the prison medical staff, the prisoner's health care provider or a health care provider under contract with the DOC completes the activities described in items 1. to 3., above, within 24 hours after the transfer.

The substitute amendment provides that the receiving institution intake staff may make a health summary form available to any of the following:

1. The prison's, jail's or house of correction's medical staff.
2. A prisoner's health care provider.
3. In the case of a prison, jail or house of correction that does not have medical staff on duty at the time of the transfer, a health care provider designated by the DOC or the jailer to review health summary forms.
4. In the case of a jail or house of correction that does not have medical staff, a person designated by the jailer to maintain prisoner medical records.

The substitute amendment also provides that each health care provider, other than medical staff, who provides health care services to a prisoner must provide the DOC or the jail or house of correction in which the prisoner is confined a written summary of the services provided and a description of follow-up care and treatment that the prisoner requires. The treatment summary may be made available to medical staff at the prison, jail or house of correction at which the prisoner is confined or the prisoner's health care provider or, in the case of a jail that does not have medical staff, to a person designated by the jailer to maintain prisoner medical records.

Under the substitute amendment, health care providers providing health care services to a prisoner or medical staff at the prison, jail or house of correction in which a prisoner is confined may obtain patient health care records for the prisoner from other health care providers who have provided health care services to the prisoner while he or she has been confined in a prison, jail or house of correction and from other prisons, jails or houses of correction in which the prisoner has been confined.

The substitute amendment includes the health summary forms described above under the definition of "patient health care records" in s. 146.82 (4), Stats. Among other things, this means that all health summary forms must remain confidential and may only be released as specifically provided under current law. In addition, the substitute amendment provides an exception to the confidentiality requirement for the health summary forms so that such records may be disclosed to a prisoner's health care provider, the medical staff of a prison, jail or house of correction in which a prisoner is confined, the receiving institution intake staff at a prison, jail or house of correction to which a prisoner is being transferred or a person designated by a jailer to maintain prisoner medical records if the disclosure is made under the provisions created by the substitute amendment as described above. The substitute amendment creates an identical exception for results of a test for the presence of human immunodeficiency virus (HIV) antigen or nonantigenic products of HIV or an antibody to HIV if the results are disclosed in a health summary form, as described above.

If you would like any further information on this subject, please feel free to contact me at the Legislative Council Staff offices.

AS:jal:ksm;wu



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DATE: March 8, 2000

TO: REPRESENTATIVE G. SPENCER COGGS

FROM: Anne Sappenfield, Staff Attorney

SUBJECT: 1999 Assembly Bill 795, Relating to Prisoner Medical Records and Assembly Substitute Amendment \_\_ (LRBs0386/1) to the Bill

This memorandum describes 1999 Assembly Bill 795, relating to prisoner medical records and Assembly Substitute Amendment \_\_ (LRBs0386/1) to the bill. Assembly Bill 795 was introduced by you and others; cosponsored by Senator Moore and others on February 23, 2000. The Assembly Committee on Corrections and the Courts held a public hearing on the bill on February 23, 2000 and is scheduled to take executive action on the bill on March 8, 2000.

### **A. 1999 ASSEMBLY BILL 795**

Assembly Bill 795 provides that the Department of Corrections (DOC) must provide each jailer a standardized form for recording a prisoner's medical conditions and history. In the bill, "jailer" means the sheriff, superintendent or other keeper of each jail or house of correction. Under the bill, jailers in Brown, Dane, Kenosha, Marathon, Milwaukee, Outagamie, Racine, Rock, Waukesha and Winnebago Counties must complete the form for each prisoner being transferred to another county's jail or house of correction and must provide to the jailer of the other jail or house of correction at the time of transfer.

### **B. ASSEMBLY SUBSTITUTE AMENDMENT — (LRBs0386/1) TO THE BILL**

The substitute amendment requires the DOC to provide each jailer a standardized form for recording the medical conditions and history of prisoners being transferred to the DOC or another county's jail or house of correction. "Jailer" means the sheriff, superintendent or other keeper of a jail or house of correction under the substitute amendment. Under the substitute amendment, "prisoner" means any person who is either arrested, incarcerated, imprisoned or otherwise detained in a jail, house of correction or prison but does *not* include any of the following:

1. Any person who is serving a sentence of home detention with electronic monitoring unless the person is in the county jail or house of correction for failure to comply with the terms of the home detention.
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