

☞ 03hr_JCR-AR_Misc_pt23



☞ Details: Emergency Rule by Department of Corrections

(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2003-04

(session year)

Joint

(Assembly, Senate or Joint)

Committee for Review of Administrative Rules...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Stefanie Rose (LRB) (August 2012)

ORDER OF THE
DEPARTMENT OF CORRECTIONS
REPEALING AND AMENDING RULES

FINDING OF EMERGENCY

The department of corrections adopts this emergency rule pursuant to the statutory requirements of 2001 Wisconsin Act 109. The Act provides, in relevant part:

"Using the procedure under section 227.24 of the statutes, the department of corrections shall promulgate the rules that are required under section 302.386(4)(a) of the statutes relating to the deductible, coinsurance, copayment, or similar charge that must be imposed under section 302.386(3)(b) of the statutes. "

and,

"Notwithstanding section 302.386(3)(b) of the statutes, the rules shall require the department to require that, subject to the exception and waiver provisions under section 302.386(3)(c) of the statutes, each person to whom section 302.386(1) of the statutes applies pay a deductible, coinsurance, copayment, or similar charge of at least \$7.50 for each request that the person makes for medical or dental services."

Currently, the department's administrative rules provide for a \$2.50 copayment under such circumstances as described above. This emergency rule raises the copayment to \$7.50 as directed by 2001 Wisconsin Act 109.

In addition, pursuant to 2001 Wisconsin Act 109 the department makes no finding of emergency in promulgating this rule. 2001 Wisconsin act 109 expressly exempts the department from the statutory requirements to do so. The Act provides, in relevant part, the following:

"Notwithstanding section 227.24(1)(1), (2)(b), and (3) of the statutes, the department is not required to provide evidence that promulgating under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection."

ORDER

Under the authority vested in the Department of Corrections by ss. 227.11(2), 302.386 (3) and 302.386 (4), Stats., the Department of Corrections hereby amends rules relating to medical, dental and nursing copayment charge, interpreting ss.302.386(3) and (4), Stats.

SECTION 1. DOC 316.04(3) is amended to read:

DOC 316.04(3) Staff shall charge a ~~\$2.50~~7.50 copayment for each face-to-face contact for medical, dental or nursing services regardless of the number of services provided during the face-to-face contact or medical, dental or nursing services, the inmate or juvenile shall sign a disbursement form acknowledging the receipt of health services. If the inmate or juvenile refuses to sign the disbursement form, the health care provider shall make a notation that the inmate or juvenile refused to sign the disbursement form and the health care provider shall sign the notation.

The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper, as provided in s. 227.24(1)(c), Stats.

Wisconsin Department of Corrections

Date: _____

By _____

Jon E. Litscher
Secretary

Seal: