


 **03hr\_JCR-AR\_Misc\_pt37**



 Details: Notice of hearing 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**
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#### 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)

**NOTICE OF HEARING  
DEPARTMENT OF CORRECTIONS  
CR02-123 and  
Emergency Rule DOC 316 relating to medical, dental and nursing  
copayment charge published September 3, 2002.**

NOTICE IS HEREBY GIVEN that pursuant to ss. 227.11 (2) (a), 302.386(3) and (4), Stats., the department of corrections proposes the following rules relating to medical, dental and nursing copayment charge:

Hearing Information:

On the following dates, public hearings will be held relating to the permanent proposed rule CR02-123, relating to medical, dental and nursing copayment charge as well as the emergency rule DOC 316 effective September 3, 2002:

**Date & Time**

**Location**

November 18, 2002  
Monday  
11:00 A.M.-1:00 P.M.

Wood County Courthouse  
400 Market Street  
Room 210B (Second Floor)  
Wisconsin Rapids, Wisconsin

November 18, 2002  
Monday  
11:00 A.M.-1:00 P.M.

State Office Building  
141 N.W. Barstow Street  
Room 137 A  
Waukesha, Wisconsin

*The public hearing sites are accessible to people with disabilities.*

**Analysis Prepared by the Department of Corrections...**

Pursuant to 2001 Wisconsin Act 109, the department is required to increase the copayment charge for medical, dental or nursing services provided to inmates and juveniles. The Act provides, in relevant part, the following:

*"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 emergency rule, effective September 3, 2002 pursuant to legislative requirement, provides for a \$7.50 copayment, increased from the previous amount of \$2.50, under such circumstances as described above. This proposed rule, among other minor changes, makes the \$7.50 copayment permanent.

This rule:

- Makes permanent the medical, dental and nursing copayment charge to \$7.50 as required by 2001 Wisconsin Act 109 and consistent with the department's current emergency rule.
- Eliminates the requirement that an inmate must "earn wages" before becoming responsible for the \$7.50 copayment, in regard to inmates who are not housed in a secured correctional facility (juvenile facility). This change is made as a result of prior legislation that removed the "earn wages" requirement from statute. See section 302.386 (3) Stats.
- Establishes criteria to exempt persons in a juvenile correctional facility who do not earn wages. The current rule effectively exempts juveniles from the copayment because they do not "earn wages" as required by the rule. However, since "earn wages" has been removed in this rule proposal, the department has created a specific exemption for persons in juvenile correctional facilities. Section 302.386(3)(c) grants the department authority to except or waive liability "under criteria that the department shall establish by rule."

Do juveniles  
← normally not  
receive wages

- Exempts liability for medical, dental or nursing services provided as a result of an injury sustained through an institution work assignment.

**Effective date.** This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s.227.22 (2) Stats

Dated: \_\_\_\_\_ Agency: \_\_\_\_\_  
Jon E. Litscher, Secretary

Initial Regulatory Flexibility Analysis:

These rules are not expected to have an effect on small businesses.

Fiscal Estimate:

The Department of Corrections(DOC) under s.302.386(3)(b) is required to receive a minimum medical copayment of \$2.50 from any inmate requesting medical services or dental services. It should be noted the Department cannot deny medical services to any resident that requests services based on their lack of ability to pay. 2001 Wisconsin Act 109 required DOC to promulgate an emergency rule that required the Department to collect a minimum medical copayment of \$7.50 from every inmate that requests medical services. The Department is now requesting that the provisions included in the emergency rule be made permanent.

In FY01, DOC received 47,000 request from inmates for services and collected \$117,500 in revenue. 2001 Wisconsin Act 109 is estimating \$235,000 in additional revenue will be collected in medical copayments in FY03, or a total of \$352,500 on an annual basis.

(A full copy of the fiscal estimate may be obtained through the contact person listed below.)

Contact Person:

Julie Kane (608) 240-5015  
Office of Legal Counsel  
P.O. Box 7925  
Madison, Wisconsin 53707-7925

If you are hearing or visually impaired, do not speak English, or have circumstances which might make communication at the hearing difficult and if you, therefore, require an interpreter or a non-English, large print or taped version of the hearing document, contact the person at the address or phone number above. A person requesting a non-English or sign language interpreter should make that request at least 10 days before the hearing. With less than 10 days notice, an interpreter may not be available.

Written Comments:

Written comments on the proposed rules received at the above address no later than November 25th, 2002, will be given the same consideration as testimony presented at the hearing.