



State of Wisconsin
2011 – 2012 LEGISLATURE

January 2011 Special Session



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**ASSEMBLY AMENDMENT 21,
TO ASSEMBLY BILL 11**

February 22, 2011 – Offered by Representative RADCLIFFE.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 118, line 16: after that line insert:

3 “**SECTION 364c.** 302.38 (1) of the statutes is amended to read:

4 302.38 (1) If a prisoner needs medical or hospital care or is intoxicated or
5 incapacitated by alcohol the sheriff, superintendent, or other keeper of the jail or
6 house of correction shall provide appropriate care or treatment and may transfer the
7 prisoner to a hospital or to an approved treatment facility under s. 51.45 (2) (b) and
8 (c), making provision for the security of the prisoner. The sheriff, superintendent,
9 or other keeper may provide appropriate care or treatment under this subsection for
10 a prisoner under 18 years of age and may transfer a prisoner under 18 years of age
11 under this subsection without obtaining the consent of the prisoner’s parent,
12 guardian, or legal custodian. The sheriff, superintendent, or other keeper shall
13 charge a prisoner for the costs of providing any medical care or treatment that is a

1 prescription drug or device while the prisoner is in the jail or house of correction, and
2 the amount charged shall be an amount equivalent to the amount the department
3 charges a prisoner under s. 302.386 (4) for the same prescription drug or device. The
4 sheriff, superintendent, or other keeper may charge a prisoner for the costs of
5 providing medical care other than medical care that is a prescription drug or device
6 to the prisoner while he or she is in the jail or house of correction. If the sheriff or
7 other keeper maintains a personal money account for an inmate's use for payment
8 for items from canteen, vending, or similar services, the sheriff or other keeper may
9 make deductions from the account to pay for the charges under this subsection.

10 **SECTION 364e.** 302.38 (4) of the statutes is amended to read:

11 302.38 (4) The governmental unit paying the costs of medical, dental, or
12 hospital care under this section or under s. 302.386, regardless of whether the care
13 is provided in or out of the jail or house of correction, may collect the value of the same
14 from the prisoner or the prisoner's estate. If the prisoner does not pay the moneys
15 due to the governmental unit for care provided under this section or for care or for
16 a deductible, coinsurance, copayment or similar charge due under s. 302.386 before
17 he or she is released from a jail or house of correction, the governmental unit shall
18 seek reimbursement from the prisoner after he or she is released. If applicable, the
19 governmental unit may proceed to collect under this section or may seek
20 reimbursement under s. 302.372, but may not collect for the same expenses twice.

21 **SECTION 364g.** 302.386 (3) (a) of the statutes is amended to read:

22 302.386 (3) (a) Except as provided in par. (b) 1. and 2., the department may
23 require a resident housed in a prison identified in s. 302.01 or in a juvenile
24 correctional facility who receives medical or dental services to pay a deductible,
25 coinsurance, copayment, or similar charge upon the medical or dental service that

1 he or she receives. The department shall collect the allowable deductible,
2 coinsurance, copayment, or similar charge.

3 **SECTION 364n.** 302.386 (3) (b) of the statutes is renumbered 302.386 (3) (b) 2.
4 and amended to read:

5 302.386 (3) (b) 2. If the resident under par. (a) requests the medical services
6 or dental services, the department shall require the resident to pay the deductible,
7 coinsurance, copayment, or similar charge. The department may not charge the
8 person less than \$2.50 for each request. The requirements under this paragraph
9 subdivision are subject to the exception and waiver provisions under par. (c).

10 **SECTION 364r.** 302.386 (3) (b) 1. of the statutes is created to read:

11 302.386 (3) (b) 1. If any medical or dental services the resident under par. (a)
12 receives is a prescription drug or device, the department shall require the resident
13 to pay a deductible, coinsurance, copayment, or similar charge, as determined under
14 sub. (4) (a), on the prescription drug or device. The requirements under this
15 subdivision are subject to the exception and waiver provisions under par. (c).

16 **SECTION 364w.** 302.386 (4) (a) of the statutes is amended to read:

17 302.386 (4) (a) The Subject to sub. (3) (b) 2., the specific medical or dental
18 services on which a deductible, coinsurance, copayment, or similar charge may be
19 imposed under sub. (3) (a) or must be imposed under sub. (3) (b).”.

20 **2.** Page 144, line 3: after that line, before the material inserted by assembly
21 amendment 1, insert:

22 “(1c) The treatment of sections 302.38 (1) and 302.386 (3) (a) and (4) (a) of the
23 statutes, the renumbering and amendment of section 302.386 (3) (b) of the statutes,

1 and the creation of section 302.386 (3) (b) 1. of the statutes first apply to medical
2 treatment received on the effective date of this subsection.”.

3 (END)