

## 2011 Jr1 DRAFTING REQUEST

### Assembly Amendment (AA-AB11)

Received: 02/21/2011

Received By: phurley

Wanted: As time permits

Companion to LRB:

For: Mark Radcliffe (608) 266-7461

By/Representing: Steve Boe

May Contact:

Drafter: phurley

Subject: Correctional System - misc

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Radcliffe@legis.wisconsin.gov

Carbon copy (CC:) to:

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#### Pre Topic:

No specific pre topic given

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#### Topic:

Copay for medical treatments by inmates

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#### Instructions:

See attached

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#### Drafting History:

| <u>Vers.</u> | <u>Drafted</u>        | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u>       | <u>Required</u> |
|--------------|-----------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /?           | phurley<br>02/21/2011 | jdye<br>02/21/2011     |                        | _____          |                       |                       |                 |
| /1           | phurley<br>02/22/2011 | csicilia<br>02/22/2011 | rschluet<br>02/21/2011 | _____          | mbarman<br>02/21/2011 | mbarman<br>02/21/2011 |                 |
| /2           |                       |                        | jfrantze<br>02/22/2011 | _____          | lparisi<br>02/22/2011 | lparisi<br>02/22/2011 |                 |

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|--------------|-----------------------|-----------------------|-----------------------|----------------|-----------------------|-----------------------|-----------------|
| /?           | phurley<br>02/21/2011 | jdye<br>02/21/2011    |                       | _____          |                       |                       |                 |
| /1           |                       | 1/2 jjs<br>2/22<br>11 | rschlue<br>02/21/2011 | _____          | mbarman<br>02/21/2011 | mbarman<br>02/21/2011 |                 |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|

/?

phurley

1 2/21 jld

  
3/2/11



<END>

FE Sent For:

## Hurley, Peggy

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**From:** Champagne, Rick  
**Sent:** Monday, February 21, 2011 1:32 PM  
**To:** Hurley, Peggy; Kuesel, Jeffery  
**Subject:** FW: More amendments for Rep. Radcliffe

Amendment Drafting. I've put in names of drafters. Thank you!

---

**From:** Boe, Steve  
**Sent:** Monday, February 21, 2011 1:28 PM  
**To:** Champagne, Rick  
**Subject:** More amendments for Rep. Radcliffe

Rick,

Mark is looking for 4 more amendments.

- 1) He would like to make an amendment that would require inmates to pay for the medical co-pay. This amendment should be based off of a bill that was done last year. The LRB# was LRB2810/1 CMH:bjk:md PJH
- 2) Require all new state buildings to require a consolidation study prior to approval of the building commission. The study must show (JTK)
  - a. All buildings in a 30 mile radius
  - b. The available space within those structures
  - c. The age of the other structures
  - d. Available land space around for additions
- 3) to restrict cabinet members and their deputies pay to the same as legislators (RAC)
- 4) Restrict legislator per diem to no more than 50 per year. (RAC)

Please call me if you have any questions and if you could reply so that I know you received this email.

Thanks,

Boe

### **Steve Boe**

**Office of Rep. Mark Radcliffe**

State Capitol, Room 321 - West

P.O. Box 8953

Madison, WI 53708-8953

608-266-7461 (office)

888-534-0092 (toll free)

steve.boe@legis.wisconsin.gov



State of Wisconsin  
 2011 - 2012 LEGISLATURE  
 January 2011 Special Session



LRBb03327  
 PJH:.....

①

jld  
 +  
 cjs

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
 ASSEMBLY AMENDMENT,  
 TO ASSEMBLY BILL 11

✓  
 before the material  
 inserted by  
 assembly amendment 1,

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

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

Insert 118.16 ✓

3 2. Page 144, line 3: after that line insert:

③

④

⑤

⑥

⑦

“(1) The treatment of sections 302.38 (1), 302.386 (3) (a) and (b) and (4) (a) ✓  
 ✓ c ✓ a ✓ and ✓ g ✓

of the statutes first applies to medical treatment received on the effective date of this  
 ✓ subsection.”.

(END)

✓  
 the renumbering and amendment  
 of section 302.386 (3) (b) of the  
 statutes, and the creation of  
 section 302.386 (3) (b) 1. of the  
 statutes

364c ← (B) - 2 -

LPS - PWF  
please

11/8/16  
insert

1 SECTION 302.38 (1) of the statutes is amended to read:

quotation marks

2 302.38 (1) If a prisoner needs medical or hospital care or is intoxicated or  
 3 incapacitated by alcohol the sheriff, superintendent, or other keeper of the jail or  
 4 house of correction shall provide appropriate care or treatment and may transfer the  
 5 prisoner to a hospital or to an approved treatment facility under s. 51.45 (2) (b) and  
 6 (c), making provision for the security of the prisoner. The sheriff, superintendent,  
 7 or other keeper may provide appropriate care or treatment under this subsection for  
 8 a prisoner under 18 years of age and may transfer a prisoner under 18 years of age  
 9 under this subsection without obtaining the consent of the prisoner's parent,  
 10 guardian, or legal custodian. The sheriff, superintendent, or other keeper shall  
 11 charge a prisoner for the costs of providing any medical care or treatment that is a  
 12 prescription drug or device while the prisoner is in the jail or house of correction, and  
 13 the amount charged shall be an amount equivalent to the amount the department  
 14 charges a prisoner under s. 302.386 (4) for the same prescription drug or device. The  
 15 sheriff, superintendent, or other keeper may charge a prisoner for the costs of  
 16 providing medical care other than medical care that is a prescription drug or device  
 17 to the prisoner while he or she is in the jail or house of correction. If the sheriff or  
 18 other keeper maintains a personal money account for an inmate's use for payment  
 19 for items from canteen, vending, or similar services, the sheriff or other keeper may  
 20 make deductions from the account to pay for the charges under this subsection.

21 SECTION 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

Insert  
118.16, cont

ASSEMBLY BILL 448

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

3 SECTION 302.386 (3) (b) of the statutes is renumbered 302.386 (3) (b) 2. and  
4 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 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 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 SECTION 6. Initial applicability.

21 (1) This act first applies to medical treatment received on the effective date of  
22 this subsection.

23 END

(end insert)

1)  
↑ ↑



State of Wisconsin  
2011 - 2012 LEGISLATURE  
January 2011 Special Session



LRBb0332/1  
PJH:jld&cjs:rs

ASSEMBLY AMENDMENT,  
TO ASSEMBLY BILL 11

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

*Insert*  
11 302.386 (3) (a) Except as provided in par. (b) 1. and 2., the department may  
12 require a resident housed in a prison identified in s. 302.01 or in a juvenile  
13 correctional facility who receives medical or dental services to pay a deductible,  
14 coinsurance, copayment, or similar charge upon the medical or dental service that  
15 he or she receives. The department shall collect the allowable deductible,  
16 coinsurance, copayment, or similar charge.

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

19 302.386 (3) (b) 2. If the resident under par. (a) requests the medical services  
20 or dental services, the department shall require the resident to pay the deductible,  
21 coinsurance, copayment, or similar charge. The department may not charge the  
22 person less than \$2.50 for each request. The requirements under this paragraph  
23 subdivision are subject to the exception and waiver provisions under par. (c).

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



2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRBb0332/1ins  
PJH:jld&cjs:rs

INSERT: ✓

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

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

**History:** 1973 c. 198; 1987 a. 27, 269; 1989 a. 31 s. 1655c, 1656d; Stats. 1989 s. 302.38; 1989 a. 261, 359; 1995 a. 27, 43, 281, 352; 1997 a. 35; 2007 a. 20.