

## Chapter DOC 316

### MEDICAL, DENTAL AND NURSING COPAYMENT CHARGE

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**DOC 316.01 Applicability, purpose, authority.** This chapter applies to the department of corrections and inmates who reside in a s. 302.01, Stats., prison or juveniles who reside in a s. 938.02 (15m), Stats., secured correctional facility and who receive medical, dental or nursing services from the department's health services staff. This chapter does not apply to inmates in a s. 301.046 (1), Stats., institution or in a s. 301.048, Stats., institution unless the inmate is housed in a s. 302.01, Stats., prison. This chapter is promulgated pursuant to authority under ss. 227.11 (2) (a), 302.386 (3) and 302.386 (4), Stats., and interprets ss. 302.386 (3) and (4), Stats.

**Note:** Section 938.02 (15m), Stats., was renumbered to s. 938.02 (10p), Stats., by 2005 Wis. Act 344 and the term "secured correctional facility" was changed to "juvenile correctional facility".

**History:** Cr. Register, October, 1995, No. 478, eff. 11-1-95; correction made under s. 13.93 (2m) (b) 7., Stats., Register, March, 2001, No. 543; CR 02-123: am. Register April 2003, No. 568, eff. 5-1-03.

**DOC 316.02 Definitions.** In this chapter:

(1) "Copayment" means the amount charged an inmate or a juvenile for a face-to-face contact with a member of the health services staff who provides services within the health care provider's area of practice as the result of the inmate's request.

(2) "Dental services" includes any practice permitted under ch. 447, Stats.

(3) "Department" means the department of corrections.

(4) "General or trust account" means an account established by an institution to receive all funds for the benefit of an inmate or juvenile.

(5) "Health care provider" means a physician, physician assistant, nurse practitioner, registered nurse, licensed practical nurse, nursing assistant, dentist, dental assistant, dental hygienist, physical therapist, optometrist, phlebotomist, radiologist technician, program assistant who is employed by the department to provide health related services or other ancillary services, or any other health care provider.

(6) "Health services staff" includes health care providers employed by the department or independent contractors hired by the department to provide medical, dental or nursing services.

(7) "Medical services" includes any practice permitted under chs. 448 and 449, Stats.

(8) "Nursing services" includes any practice permitted under ch. 441, Stats.

(9) "Request" means an application by an inmate or a juvenile through a health services request or other means as determined by the department for a face-to-face contact with a health care provider.

(10) "Wages" includes wages under ss. 301.30, 301.31, 303.01 (4), and 303.065, Stats.

**Note:** DOC 316.02. In sub. (1), "copayment" is defined so as to cover situations when an inmate requests to see one kind of health care provider but is seen by another kind of health care provider. For example, an inmate requests to see a physician but is seen by a nurse who evaluates the inmate's need to see a physician. The

inmate will be charged a copayment even though the inmate was evaluated by a nurse instead of a physician.

"Dental services" as defined in sub. (2) includes any practice permitted by a dentist and dental hygienist under ch. 447, Stats.

"Medical services" as defined in sub. (7) includes any practice permitted by a physician, physician assistant, and physical therapist under ch. 448, Stats., and any practice by an optometrist under ch. 449, Stats. "Medical services" include services provided by a psychiatrist.

"Nursing services" as defined in sub. (8) includes any practice permitted by a registered nurse, nurse practitioner, and licensed practical nurse under ch. 441, Stats.

**History:** Cr. Register, October, 1995, No. 478, eff. 11-1-95; CR 02-123: am. (1) Register April 2003, No. 568, eff. 5-1-03.

**DOC 316.03 Provision of medical, dental and nursing services.** Health services staff shall provide necessary medical, dental or nursing services to an inmate or a juvenile. Health services staff shall determine the level of access to medical, dental or nursing services and the need to provide medical, dental or nursing services on-site or off-site. Health services staff may not deny an inmate or a juvenile medical, dental or nursing services based only on the inmate's or the juvenile's inability to pay a copayment. An inmate or a juvenile may be subject to a copayment under s. DOC 316.04.

**Note:** DOC 316.03 provides that health services staff shall determine the level of access to medical, dental or nursing services and the need to provide medical, dental or nursing services on-site or off-site. DOC 316.03 recognizes the responsibility of the health services staff to make the determination. Availability of resources may require some services to be provided off-site instead of on-site. Inmates have no right to see a health care provider of their choice.

**History:** Cr. Register, October, 1995, No. 478, eff. 11-1-95; CR 02-123: am. Register April 2003, No. 568, eff. 5-1-03.

**DOC 316.04 Copayment.** (1) Except for the exclusions listed under s. DOC 316.05, an inmate or a juvenile shall be charged a copayment for medical, dental or nursing services received at the request of the inmate or juvenile, including any face-to-face contact wherein the inmate or juvenile refuses to consent to a service offered in response to the inmate's or juvenile's request.

(2) (a) During the assessment and evaluation process, the inmate and juvenile shall sign a notice form acknowledging that the inmate and juvenile shall be charged a copayment for non-emergency medical, dental or nursing services received at the request of the inmate or juvenile.

(b) The notice form shall include a statement identifying the medical, dental or nursing services for which the inmate or juvenile will and will not be charged a copayment.

(c) If the inmate or juvenile refuses to sign the notice form, the health care provider shall make a notation that the inmate or juvenile refused to sign the notice form and the health care provider shall sign the notation.

(3) Staff shall charge a \$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. At the time of the face-to-face contact for 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.

**History:** Cr. Register, October, 1995, No. 478, eff. 11-1-95; emerg. am. (3), eff. 9-3-02; CR 02-123: am. Register April 2003, No. 568, eff. 5-1-03.

**DOC 316.05 Copayment exclusions.** Health services staff shall not charge an inmate or a juvenile a copayment for any of the following:

(1) A medical, dental or nurse screening provided during the assessment and evaluation process.

(2) Treatment for an actual medical or dental emergency as determined by a physician, dentist or registered nurse.

(3) A follow-up medical, dental or nursing appointment determined and scheduled by a health care provider.

(4) Any other appointment determined and scheduled by a health care provider.

(5) A written referral from one health care provider to another health care provider.

(6) A review of medical records, except the inmate or juvenile may be charged for copies of medical records according to department policy and procedures.

(7) Medical, dental or nursing services provided to persons who reside in a s. 938.02 (15m), Stats., secured correctional facility and who do not have the opportunity to earn wages.

**Note:** Section 938.02 (15m), Stats., was renumbered to s. 938.02 (10p), Stats., by 2005 Wis. Act 344 and the term "secured correctional facility" was changed to "juvenile correctional facility".

(8) Any medical, dental or nursing services provided as a result of an injury sustained through an institution work assignment.

**History:** Cr. Register, October, 1995, No. 478, eff. 11-1-95; CR 02-123: am. (intro.), cr. (7) and (8) Register April 2003, No. 568, eff. 5-1-03.

**DOC 316.06 Copayment deduction from the inmate's or juvenile's general or trust account.** (1) Following the provision of medical, dental or nursing services, the business department staff shall deduct the \$7.50 copayment from the general or trust account of the inmate or juvenile under procedures established by the department.

(2) If the inmate or juvenile has no funds in the inmate's or juvenile's general or trust account, the business department shall perform an accounting transaction that reflects that the inmate or juvenile owes the copayment.

(3) If an inmate or juvenile owes a copayment is released or discharged from a prison or a secured correctional facility, business department staff shall perform an accounting transaction that reflects that the inmate or juvenile owes the copayment. If the inmate or juvenile is recommitted to prison or to a secured correctional facility, the copayment will be deducted from the inmate's or juvenile's general or trust account.

(4) The inmate or a juvenile may ask business department staff to correct a copayment deduction which the inmate believes has been improperly deducted. An inmate may file an inmate complaint concerning an improper copayment deduction.

**History:** Cr. Register, October, 1995, No. 478, eff. 11-1-95; CR 02-123: am. (1) to (3) Register April 2003, No. 568, eff. 5-1-03.