

2001 DRAFTING REQUEST

Bill

Received: 09/20/2000

Received By: nelsorp1

Wanted: As time permits

Identical to LRB:

For: Administration-Budget 6-8270

By/Representing: Coomber

This file may be shown to any legislator: NO

Drafter: nelsorp1

May Contact:

Alt. Drafters:

Subject: Correctional System - prisons

Extra Copies:

Pre Topic:

DOA:.....Coomber -

Topic:

Payment by prisoners of a copayment for medical or dental care

Instructions:

See Attached

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>
/1	nelsorp1 09/27/2000	gilfokm 09/27/2000	pgreensl 09/29/2000	_____	lrb_docadmin 09/29/2000		State

FE Sent For:

<END>

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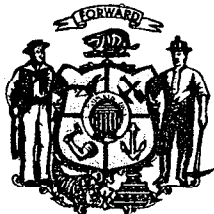
See Attached

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1?	nelsorp1	1-9/27 kmg	9/28 PS	9/28 PS/km			

FE Sent For:

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
101 East Wilson Street, Madison, Wisconsin

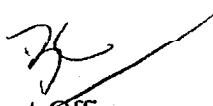
Mailing Address:
Post Office Box 7864
Madison, WI 53707-7864



TOMMY G. THOMPSON
GOVERNOR
MARK D. BUGHER
SECRETARY

Date: September 19, 2000

To: Steve Miller, Director
Legislative Reference Bureau

From: Brett Coomber 
DOA - State Budget Office

Subject: LRB Draft – Statutory Language Drafts for the Department of Corrections, Division of Juvenile Corrections biennial budget request.

✓ 1. TEACH Eligibility:

Please draft as a new DOA draft, language that amends s. 16.974, s. 20.75, s. 44.70 and s. 44.72 to allow juvenile secured correctional facilities defined under s. 938.02(19) to be eligible for the training and technical assistance grants, educational technology block grants educational technology infrastructure financial assistance and educational telecommunications access. **Please see attachment 1 for language.**

The intent of this request is to make the division of juvenile corrections eligible for certain types of funding available through the Technology for Educational Achievement (TEACH) Board.

✓ 2. Criteria for Holding a Juvenile in Custody:

Please draft as a new DOA draft, language that amends s. 938.19(1)(d)6, s. 938.205(1)(c), s. 938.208(1) to expand the criteria for taking youth into custody, holding youth in custody and in a secured detention facility. **Please see attachment 2 for language.**

✓ 3. Transfer of Serious Juvenile Offender Youth:

Please draft as a new DOA draft, language that deletes references in the following statutes, s. 301.03(10), s. 938.183(3), s. 938.357(4)(d), s. 938.538(3)(a)1, s. 938.538(3)(a)1m and s. 938.538(4)(a), (5)(c) and (6). **Please see attachment 3 for language.**

✓ 4. Confinement Limit for Serious Juvenile Offender Youth:

Please draft as a new DOA draft, language that amends s. 938.538(3)(a)1 to allow the three year limit to be extended by up to thirty days by administrative action of the Department or up to two years if ordered by the Juvenile court. **Please see attachment 4 for language.**

✓ 5. Daily Rates and Removing Alternate Care Rates from Statutes:

Please draft as a new DOA draft, language that updates the statutory dates and rates calculated for the biennium and remove the statutory rates for the various alternate care facilities. **Please see attachment 5 for language.**

The intent of this request is to set the new rates for charging counties for juveniles placed at a state correctional institution, while removing the rates for the various alternate care options.

✓ 6. Youth Aids Dates:

Please draft as a new DOA draft, language that updates the statutory funding dates for the youth aids funding. **Please see attachment 6 for language.**

✓ 7. Prairie du Chien as an Adult Institution:

Please draft LRB draft 01-0096/P1 as a new DOA draft, updating the provision to operate Prairie du Chien as an adult facility for and additional two years until July 1, 2003. **Please see attachment 7 for language.**

✓ 8. Corrective Sanctions - Purchase of Services:

Please draft as a new DOA draft, language that amends s. 938.533(2) to specify that the Department would be required to provide to an amount to an average of \$3,000 per slot. **Please see attachment 8 for language.**

✓ 9. Medical Co-Pay:

Please draft as a new DOA draft, language that amends s. 302.386(3)(a) to remove the reference "earns wages during residency" to allow the Department to collect the payment from any funds in the inmate's account. **Please see attachment 9 for language.**

✓ 10. Office of Gang Intervention and Prevention

Please draft as a new DOA draft, language that removes statutory reference to s. 20.410(3)(d) Youth diversion GPR, s 20.410(3)(kj), Youth diversion PR-S, and s. 20.410(3)(kp) Interagency programs; alcohol and other drug abuse. **Please see attachment 10 for language.**

#9

**Department of Corrections
2001-2003 BIENNIAL BUDGET
Statutory Language Request**

Topic: Medical Co-Pay

Current Language

Current language at §302.386(3)(a) provides that persons housed in a prison or a secured correctional facility for juveniles who earns wages during residency and who receives medical or dental services to pay a deductible, coinsurance, copayment or similar charge upon the medical or dental service that he or she receives. The Department is allowed to collect the payment from the recipient's wages earned during his or her residency.

Proposed Change

Amend §302.386(3)(a) to remove the reference to "earns wages during residency" to allow the Department to collect the payment from any funds in the inmate's account.

§302.386(3)(a) Except as provided in par. (b), the department may require a resident housed in a prison identified in s. 302.01 or in a secured correctional facility as defined in s. 938.02 (15m) ~~who earns wages during residency and~~ who receives medical or dental services to pay a deductible, coinsurance, copayment or similar charge upon the medical or dental service that he or she receives. The department shall collect the allowable deductible, coinsurance, copayment or similar charge.

Effect of the Change

This change removes the reference to inmates "who earn wages", thus allowing medical co-pays to be collected from any money in the inmate's account, regardless of it's origin.

Rationale for the Change

Currently, medical co-pays can only be collected from the money in an inmate's account that is earned through prison employment during their residency. Inmates receive money from a variety of sources: tax refunds, inheritance, money from relatives, etc. This change to the statute will allow medical co-pay to be collected from any money in the inmate's account maintained by the Department.

Desired Effective Date: Upon Passage of Bill
Agency: DOC
Agency Contact: Bob Nikolay
Phone: 267-0930



DOA:.....Coomber – Payment by prisoners of a ³copayment for medical or dental care

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

→ Fix Request Sheet

1 AN ACT ^{DON'T GEN. CAT.} relating to: the budget.

Analysis by the Legislative Reference Bureau

CORRECTIONAL SYSTEM

ADULT CORRECTIONAL SYSTEM

Under current law, DOC may require a prisoner in a secured correctional facility for adults or for children to pay a deductible, coinsurance, copayment, or similar charge if the prisoner receives medical or dental care and the prisoner earns wages while he or she is a resident of the secured correctional facility. Currently, DOC ~~has~~ the authority to exempt or waive the payment of those charges under criteria DOC establishes by rule.

was that

This bill deletes the requirement that the prisoner ~~shall~~ earn wages while he or she is a resident of the secured correctional facility before he or she may be required to pay a deductible, coinsurance, copayment, or similar charge.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 302.386 (3) (a) of the statutes is amended to read:

2 302.386 (3) (a) Except as provided in par. (b), the department may require a
3 resident housed in a prison identified in s. 302.01 or in a secured correctional facility,^v
4 as defined in s. 938.02 (15m),^v who ~~earns wages during residency and who~~ receives
5 medical or dental services to pay a deductible, coinsurance, copayment^v, or similar
6 charge upon the medical or dental service that he or she receives. The department
7 shall collect the allowable deductible, coinsurance, copayment^v, or similar charge.

8 History: 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77.

8 SECTION 9311. Initial applicability; corrections.

9 (1) PAYMENT OF MEDICAL OR DENTAL CHARGES. The treatment of sections^g 302.386
10 (3) (a)^v of the statutes first applies to medical or dental care provided on the effective
11 date of this subsection.

12 (END)



State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-0470/1
RPN:kmg:pg

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