

**Scott McCallum**  
Governor

**Jon E. Litscher**  
Secretary



Mailing Address

3099 E. Washington Ave.  
Post Office Box 7925  
Madison, WI 53707-7925  
Telephone (608) 240-5000  
Fax (608) 240-3300

**State of Wisconsin**  
**Department of Corrections**

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August 27, 2002

Senator Judith Robson  
Joint Committee for Review of Administrative Rules  
Room 15 South  
State Capitol  
Madison, Wisconsin 53707

Representative Glenn Grothman  
Joint Committee for Review of Administrative Rules  
Room 15 North  
State Capitol  
Madison, Wisconsin 53708

Re: Emergency Rule Relating to Medical, Dental and Nursing Copayment Charge

Dear Senator Robson and Representative Grothman:

As required by 2001 Wisconsin Act 109, the Department of Corrections plans to promulgate an emergency rule regarding medical, dental and nursing copayment charge. The Department anticipates that this emergency rule will be published in the Wisconsin State Journal on September 3, 2002.

A copy of the most recent draft of this proposed emergency rule is enclosed.

If you have questions regarding this rule, please contact Julie Kane of the Department's Office of Legal Counsel at 240-5015.

Sincerely,

A handwritten signature in black ink that reads "Jon E. Litscher".

Jon E. Litscher  
Secretary

Enclosures

Cc: JCRAR Members

ORDER OF THE  
DEPARTMENT OF CORRECTIONS  
REPEALING AND AMENDING RULES

FINDING OF EMERGENCY

The department of corrections adopts this emergency rule pursuant to the statutory requirements of 2001 Wisconsin Act 109. The Act provides, in relevant part:

*“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 administrative rules provide for a \$2.50 copayment under such circumstances as described above. This emergency rule raises the copayment to \$7.50 as directed by 2001 Wisconsin Act 109.

In addition, pursuant to 2001 Wisconsin Act 109 the department makes no finding of emergency in promulgating this rule. 2001 Wisconsin act 109 expressly exempts the department from the statutory requirements to do so. The Act provides, in relevant part, the following:

*“Notwithstanding section 227.24(1)(1), (2)(b), and (3) of the statutes, the department is not required to provide evidence that promulgating under this subsection as an emergency rule is necessary for the preservation of the public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this subsection.”*

ORDER

Under the authority vested in the Department of Corrections by ss. 227.11(2), 302.386 (3) and 302.386 (4), Stats., the Department of Corrections hereby amends rules relating to medical, dental and nursing copayment charge, interpreting ss.302.386(3) and (4), Stats.

SECTION 1. DOC 316.04(3) is amended to read:

DOC 316.04(3) Staff shall charge a ~~\$2.50~~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 or 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.

The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper, as provided in s. 227.24(1)(c), Stats.

Wisconsin Department of Corrections

Date: 8/27/02

By Jon E. Litscher  
Jon E. Litscher  
Secretary

Seal:

**Scott McCallum**  
Governor

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**State of Wisconsin**  
**Department of Corrections**

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August 27, 2002

Members of the Legislature

Dear Members of the Legislature:

Enclosed is a copy of the Department of Corrections' emergency rule relating to medical, dental and nursing copayment charge, promulgated pursuant to the requirements of 2001 Wisconsin Act 109. The emergency rule will be published in the Wisconsin State Journal on September 3, 2002.

If you have any questions about this rule, please contact Julie Kane of the Department's Office of Legal Counsel at (608) 240-5015.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher".

Jon E. Litscher  
Secretary

Enclosure

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REPEALING AND AMENDING RULES

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ORDER

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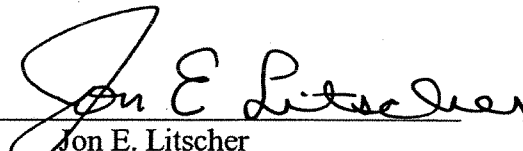
The rules contained in this order shall take effect as emergency rules upon publication in the official state newspaper, as provided in s. 227.24(1)(c), Stats.

Wisconsin Department of Corrections

Date:

8/27/02

By

  
Jon E. Litscher  
Secretary

Seal:

James Robert Brant  
28248A A Dorm GBCI  
P.O. Box 19033  
Green Bay, WI. 54307

September 1st., 2002

Senator Robson  
Room 15 South State Capital  
P.O. Box 7882  
Madison, Wi. 53707-7882

RE: Wisconsin Department of Corrections'  
Administrative Code 316 & It's Proposed  
Amendment.

Dear Sir:

I, the aboved named prisoner, am writing to your office because of a proposed amendment to rule 316, as discribed above, which will raise the Medical Co-Payment from 2.50 per visit to 7.50 per visit.

This is an increase of 200% and will cause an undue hardship upon most prisoners, in that the average wage is under 1.00 per day and unassigned prisoners, due to there being only enough jobs for approximately one-half of the population, is 64¢ per day with deductions for Manitorial Release funds of 15% of the income, and if the prisoner has Court Cost and/or child support up to another 75% of his income for that. And while prison officals say they will turn down no prisoner for lack of money, they will indebt him/her for the Co-Payment taking even more out of his next paycheck.

Sir, this increase in cost of co-payment will force a prisoner to choice between the putchase of soap, shampoo, deodorant, stamps, etc, etc, and going to the Medical Department when they have a small injury or illness. These small injuries will take a turn for the worst without treatment or the illness will worsten or be passed on to others without care and thus in the end cost the tax payers more money.

The DOC is NOW attempting to bring this rule in as a emergeny rule, after treating it as a normal one for months, disallowing us hearings in this matter and the chance to voice our con-cerns in the matter or to ask for exemption to the new co-payment on Constitutional grounds.

We are asking you Committee to use your power and suspend this rule and order that proper promulgation be had in this matter. We welcome public hearings in this matter, as we will show the Committee and the Public that it is not cost effective for this rule to pass, that it will cost the taxpayer more money in the long run and is unduly harsh as it applies to us, the prisoners.

I appreciate the time and efforts that you have put and are putting into this matter for me and the other prisoners that are effected by this Rule.

Thank You,

*James R. Bunt*