



2009 ASSEMBLY BILL 448

September 25, 2009 – Introduced by Representatives RADCLIFFE, ZIEGELBAUER, MOLEPSKE JR., KNODL, VOS and BIES, cosponsored by Senators HOLPERIN, SCHULTZ and HOPPER. Referred to Committee on Corrections and the Courts.

1 **AN ACT** *to renumber and amend* 302.386 (3) (b); *to amend* 302.38 (1), 302.386
2 (3) (a) and 302.386 (4) (a); and *to create* 302.386 (3) (b) 1. of the statutes;
3 **relating to:** costs of prescription drugs and devices for incarcerated persons.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Corrections (DOC) may require a prisoner in a secured correctional facility for adults or juveniles to pay a deductible, coinsurance, copayment, or similar charge if the prisoner receives medical or dental care. DOC must establish by rule the amounts to charge for the services. Under this bill, DOC must generally require such a prisoner to pay a deductible, coinsurance, copayment, or similar charge for prescription drugs or devices. DOC must establish by rule the amount to charge for each prescription drug or device.

Under current law, a sheriff may charge a county jail prisoner for costs of medical care provided to the prisoner in a jail. Under this bill, the sheriff must charge a county jail prisoner for prescription drugs and devices provided to the county jail prisoner in jail. The amount the sheriff must charge is the amount DOC establishes by rule for the same prescription drug or device provided to a prisoner in a prison.

For further information see the ***state and local*** 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:

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

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 2.** 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

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

3 **SECTION 3.** 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 4.** 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 5.** 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)