

**2009 DRAFTING REQUEST**

**Bill**

Received: **04/30/2009**

Received By: **phurley**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Radcliffe (608) 266-7461**

By/Representing:

This file may be shown to any legislator: **NO**

Drafter: **chanaman**

May Contact:

Addl. Drafters:

Subject: **Correctional System - jails  
Correctional System - prisons**

Extra Copies:

Submit via email: **YES**

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

Carbon copy (CC:) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Medical costs for inmates

**Instructions:**

Have inmates pay co-pays for medications; how to determine whether they have the ability to pay? Rep. thinks DOC can set forth criteria for determining who can pay and how much they pay. Maybe call it a "fee" for prescriptions, not require insurance company to make out an individual bill.

**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>04/30/2009<br>chanaman<br>05/11/2009 | bkraft<br>05/13/2009 |                       | _____          |                       |                       | S&L             |
| /1           |   |                      | mduchek<br>05/13/2009 | _____          | mbarman<br>05/13/2009 | cduerst<br>05/21/2009 |                 |

FE Sent For: **05/20/2009.**

**<END>**

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FE-Sent For: "/1" sent for 5/20/09 per Steve via phone  
<END>

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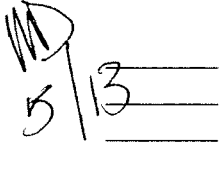
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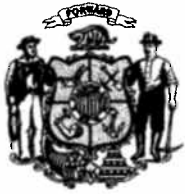
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|--------------|-----------------------------------|-----------------|---|----------------|------------------|-----------------|-----------------|
| /?           | phurley<br>04/30/2009<br>chanaman | 1 ljk S/B       |  |                |                  |                 |                 |

FE Sent For:

<END>



l  
bjk

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

LPS - Please check spelling.

SA  
x-ref

gen cost

1 AN ACT ...; relating to: costs of prescription drugs and devices for incarcerated  
2 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:***

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

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

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.

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,

1 coinsurance, copayment, or similar charge upon the medical or dental service that  
2 he or she receives. The department shall collect the allowable deductible,  
3 coinsurance, copayment, or similar charge.

4 **History:** 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77; 2001 a. 16; 2005 a. 105, 344; 2007 a. 20.

5 **SECTION 3.** 302.386 (3) (b) of the statutes is renumbered 302.386 (3) (b) 2. and

6 amended to read:

7 302.386 (3) (b) 2. If the resident under par. (a) requests the medical services  
8 or dental services, the department shall require the resident to pay the deductible,  
9 coinsurance, copayment, or similar charge. The department may not charge the  
10 person less than \$2.50 for each request. The requirements under this ~~paragraph~~  
subdivision are subject to the exception and waiver provisions under par. (c).

11 **History:** 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77; 2001 a. 16; 2005 a. 105, 344; 2007 a. 20.

12 **SECTION 4.** 302.386 (3) (b) 1. of the statutes is created to read:

13 302.386 (3) (b) 1. If any medical or dental services the resident under par. (a)  
14 receives is a prescription drug or device, the department shall require the resident  
15 to pay a deductible, coinsurance, copayment, or similar charge, as determined under  
16 sub. (4) (a), on the prescription drug or device. The requirements under this  
17 subdivision are subject to the exception and waiver provisions under par. (c).

18 **SECTION 5.** 302.386 (4) (a) of the statutes is amended to read:

19 302.386 (4) (a) ~~The~~ Subject to sub. (3) (b) 2., the specific medical or dental  
20 services on which a deductible, coinsurance, copayment, or similar charge may be  
21 imposed under sub. (3) (a) or must be imposed under sub. (3) (b).

22 **History:** 1985 a. 29; 1989 a. 31 ss. 1661, 1662; Stats. 1989 s. 302.386; 1991 a. 39; 1995 a. 27, 77; 2001 a. 16; 2005 a. 105, 344; 2007 a. 20.

23 **SECTION 6. Initial applicability.**

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

(END)



**Duerst, Christina**

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**From:** Radcliffe, Mark  
**Sent:** Thursday, May 21, 2009 8:54 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2810/1 Topic: Medical costs for inmates

Please Jacket LRB 09-2810/1 for the ASSEMBLY.

# Memo

To: Representative Radcliffe

(The Draft's Requester)

**Per your request ... the attached fiscal estimate was prepared for your un-introduced 2009 session draft.**

**LRB Number: 2009 LRB-2810**

**Version: “/1”**

**Fiscal Estimate Prepared By: (agency abbr.) DOC**

**If you have questions about the enclosed fiscal estimate, you may contact the state agency representative that prepared the fiscal estimate. If you disagree with the enclosed fiscal estimate, please contact the LRB drafter of your proposal to discuss your options under the fiscal estimate procedure.**

**Entered In Computer And Copy Sent To Requester Via E-Mail: 07 / 24 / 2009**

**\* \* \* \* \***

**To: LRB – Legal Section PA's**

**Subject:** *Fiscal Estimate Received For An Unintroduced Draft*

> **If redrafted** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version.

> **If introduced** ... and the version of the attached fiscal estimate is for a **previous version** ... please insert this cover sheet and attached early fiscal estimate into the drafting file ... after the draft's old version (the version that this fiscal estimate was based on), and before the markup of the draft on the updated version. Have Mike (or Christina) get the ball rolling on getting a fiscal estimate prepared for the introduced version.

> **If introduced** ... and the version of the attached fiscal estimate is for the **current version** ... please write the draft's introduction number below and give to Mike (or Christina) to process.

**THIS DRAFT WAS INTRODUCED AS: 2009 \_\_\_\_\_**

## Barman, Mike

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**From:** Barman, Mike  
**Sent:** Friday, July 24, 2009 7:49 AM  
**To:** Rep.Radcliffe  
**Cc:** Boe, Steve  
**Subject:** LRB 09-2810/1 (un-introduced) FE by DOC (attached - for your review)

**Attachments:** FE\_Radcliffe.PDF



FE\_Radcliffe.PDF  
(78 KB)

**Mike Barman (Senior Program Assistant)**  
State of Wisconsin - Legislative Reference Bureau  
Legal Section - Front Office  
1 East Main Street, Suite 200, Madison, WI 53703  
(608) 266-3561 / [mike.barman@legis.wisconsin.gov](mailto:mike.barman@legis.wisconsin.gov)