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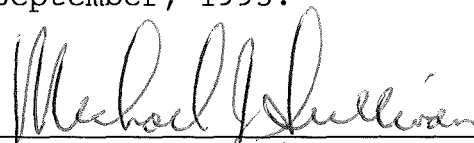
STATE OF WISCONSIN )  
 ) SS  
DEPARTMENT OF CORRECTIONS )

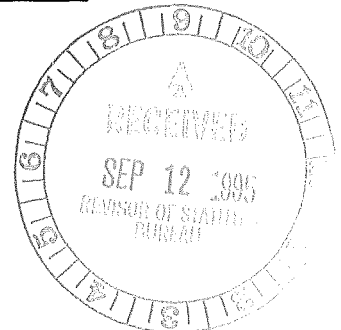
I, Michael J. Sullivan, Secretary, Department of Corrections and custodian of the official records, certify that the annexed rules, relating to medical, dental and nursing copayment charge to be paid by inmates and juveniles, were duly approved and adopted by this Department on September 12, 1995.

I further certify that this copy has been compared by me with the original on file in this Department and that it is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Corrections 149 E. Wilson Street in the city of Madison, this 12th day of September, 1995.

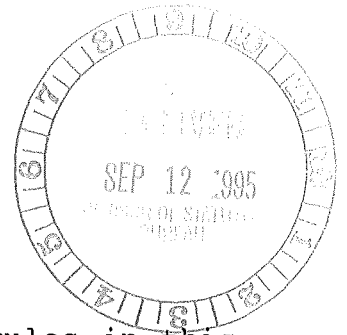
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Michael J. Sullivan



11-1-95

ORDER OF THE  
DEPARTMENT OF CORRECTIONS  
CREATING RULES



The Wisconsin department of corrections adopts the rules in this order to create DOC 316, relating to medical, dental and nursing co-payment charge to be paid by inmates and juveniles.

Statutory authority: ss. 303.386 (3), 302.386 (4) and 227.11 (2) (a), Stats.

Statutes interpreted: s. 302.386 (3) and (4), Stats.

Analysis Prepared by the Department of Corrections

Section 302.386 (3), Stats., permits the department to require a resident housed in a prison or in a secure juvenile correctional facility who earns wages during residency and who receives medical or dental services to pay a copayment charge upon the medical or dental service that the resident receives. Section 302.386 (4), Stats. directs the department to promulgate rules establishing the specific medical or dental services on which a copayment or similar charge may be imposed on the resident under s. 302.386 (3), Stats and the amount of copayment charge. This rule meets those statutory requirements.

Some inmates seek health services at a higher rate than individuals in the general population. Some of the difference between the utilization of health services between inmates and individuals in the general population may be attributed to the health status of the inmate.

Some of the difference in inmate utilization of health services may be attributed to a lack of responsibility on the part of the inmate for assuming self-care for the same or similar conditions as individuals in the general populations. The common cold, minor aches and pains, or minor gastrointestinal problems are conditions inmates could assume more responsibility for self-care.

Some of the difference in inmate utilization of health services may be due to the lack of accountability for paying for health services. Some inmates refuse health care after being provided an appointment with a health care provider.

This rule may increase inmates' and juveniles' responsibility for making health care decisions and decrease unnecessary intervention by health care providers.

This rule charges a \$2.50 copayment for each inmate or juvenile request for medical or dental services. This rule may decrease the cost of providing unnecessary health services to some inmates and juveniles. This rule may generate funds as the result of assessing

inmates and juveniles a copayment charge for certain medical and dental services.

This rule:

1. Requires health services staff to provide necessary medical, dental or nursing services to inmates and juveniles.

2. Prohibits health services staff from denying medical, dental or nursing services because the inmate or juvenile is unable to pay a copayment charge.

3. Requires health services staff to assess the inmate or juvenile who earns wages a \$2.50 copayment charge for medical, dental or nursing services as the result of a face-to-face contact with a health care provider that resulted from a request by the inmate or juvenile.

4. Prohibits health services staff from charging an inmate or juvenile for:

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

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

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

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

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

(f) A review of medical records, except an inmate may be charged for copies of medical records.

5. Charges \$2.50 as the copayment.

6. Provides for the deduction of the copayment charge from the inmate's or juvenile's general or trust account.

7. Provides for an accounting transaction reflecting that the copayment is due if the inmate or juvenile has no funds in the inmate's or juvenile's general or trust account.

8. Provides for an accounting transaction reflecting that the copayment is due if the copayment is unpaid at the time of the discharge or release of the inmate or juvenile from prison or secured correctional facility.

SECTION 1. DOC 316 is created to read:

CHAPTER DOC 316

MEDICAL, DENTAL AND NURSING COPAYMENT CHARGE

DOC 316.01	Applicability, purpose, and authority	DOC 316.04	Copayment
DOC 316.02	Definitions	DOC 316.05	Copayment exclusions
DOC 316.03	Provision of medical, dental and nursing services	DOC 316.06	Copayment deduction from the inmate's or juvenile's general or trust account

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. 48.02 (15m), Stats., secured correctional facility and who earn wages during residency and who receives 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) institution or in a s. 301.048 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.

DOC 316.02 DEFINITIONS. In this chapter:

(1) "Copayment" means the amount charged an inmate or a juvenile who earns wages for a self-initiated 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 DOC 316.02 (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 subsection (2) includes any practice permitted by a dentist and dental hygienist under ch. 447, Stats.

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

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

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. 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.

DOC 316.04 COPAYMENT. (1) Except for the exclusions listed under s. DOC 316.05, an inmate or a juvenile who earns wages 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 who earn wages 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 who earns wages 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 \$2.50 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.

DOC 316.05 COPAYMENT EXCLUSIONS. Health services staff shall not charge an inmate or a juvenile who earns wages 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.

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 \$2.50 copayment from the general or trust account of the inmate or juvenile who earns wages under procedures established by the department.

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

(3) If an inmate or juvenile who earned wages and who 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.

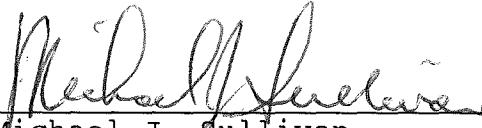
(4) The inmate or a juvenile may ask business department staff to correct a copayment deduction which the inmate believes has been improperly deducted. An inmate may file an inmate complaint concerning an improper copayment deduction.

This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22 (2) (intro.), Stats.

Wisconsin Department of Corrections

Dated: September 12, 1995

By:

  
Michael J. Sullivan  
Secretary

Seal:

