

The Tale of Two Health Care Decisions

Recently while most of America was awaiting a decision from the Supreme Court regarding the universal health care law in America, the Richland County Board of Supervisors and I were wrestling with our own health care issues regarding our legal responsibility to offer health care to inmates of the Richland County Jail. While our decisions were nowhere near the magnitude of the Supreme Court's decision, our decisions were still very important to our local citizens and taxpayers.

I have always found discussions regarding inmate health care to be very uncomfortable, nearly always contentious and never overly rewarding. It's like trying to get everyone to agree on what is the best and most fair way to apply a tax that nobody wants to pay. It seems that when the discussion is over, nobody is ever happy or satisfied with the results.

When it comes to inmate health care, I as the sheriff, "the keeper of the jail" have a clear and legally binding obligation to keep the inmates of the county jail safe and secure from themselves and others and to "attend to their medical needs." The safe and secure part is pretty straight forward. It's the "attending to the medical needs of an inmate" that normally brings out the many varying opinions and lawsuits that are filed in the court system. While there are many federal laws, Wisconsin State Statutes and Wisconsin Department of Corrections administrative rules to help guide a sheriff and a county there is also a lot of gray area involving the expectations of what is "reasonable" care when dealing with inmate health care. There is always the issue of what is considered enough care, what does "not enough care" look like and what is considered "too much care."

A recent national trend in jail administration has determined that one of the best ways to determine just how much inmate medical health care is the right amount of inmate health care is by conducting medical appraisals or "physicals" or physical exams on inmates at their time of entry to the jail. Because of this development, the State of Wisconsin Department of Corrections has recently mandated that "medical appraisals" in Wisconsin's county jails need to occur earlier in an inmate's stay (within 14 days) and must be continued on a regular basis during an inmate's stay in jail. The results of this decision is that early and continual medical appraisals will now become Wisconsin's new "standard of care" for inmate medical health.

When I first saw the new “mandated standard of care” I knew this was going to be a major problem for our county. While my jail staff, our county jail nurses and our county jail doctors have done a wonderful job for many years in providing just the right amount of inmate medical care I knew the new mandate was impossible to meet in the current jail as constructed. The biggest obstacle being that the current 1982 built jail as constructed does not have a room to conduct a medical appraisal. I knew the cost of transporting all our inmates to and from local medical facilities on a regular and consistent basis was going to become very expensive and time consuming.

So with the help of my jail staff and my command staff we looked at the issues and came up with various possible solutions to try and meet this new “standard of care” regarding inmate health care. We took our ideas to our county board committee, the Law Enforcement and Judiciary Committee. We proposed a remodeling project adding a jail medical exam room to the existing jail so that these inmate physicals can be completed "on site" without all the transportation issues. We urged that the one-time cost of the remodeling project was the most economical and cost savings plan available to the county. The matter was thoroughly debated within our county board committee. We then brought the issue to other county board members and then finally to the full county board for their decision.

I could go on and on regarding the pros and cons of the various solutions we evaluated and the many details of this project but the bottom line I wanted to bring out is that the actions taken and the decisions made during the solving of this very difficult and controversial health care problem were done in a professional and respectful way without personal attacks or playing the political blame game-something that I believe the federal decision makers could have used during their health care debates.

Two health care issues that needed close attention-one federal and one local. Two problems that were decided two completely different ways. I am proud of our local decision makers who handled a tough issue in a positive way.

Play it cool the rest of this summer and pray for numerous nice, slow soaking rains.

Sheriff Darrell Berglin