

Committee Name:

Senate Select Committee – Job Creation (SSC–JC)

Appointments

03hr_SSC–JC_Appt_pt00

Committee Hearings

03hr_SSC–JC_CH_pt00

Committee Reports

03hr_SSC–JC_CR_pt00

Clearinghouse Rules

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Executive Sessions

03hr_SSC–JC_ES_pt00

Hearing Records

03hr_ab0727

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Misc.

03hr_SSC–JC_Misc_pt00

Record of Committee Proceedings

03hr_SSC–JC_RCP_pt00

Paper Ballot: Senator Stepp
Deadline: 3:00 pm, 1-21-04

The following bills received a public hearing on Thursday, January 15, 2004.
Please return your vote via paper ballot to Senator Stepp's office by 3:00 pm, Wednesday, January 21, 2004.

- ✓
- AB 727, relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent. 4-1 (Javch)
 Aye No
 - AB 730, relating to: the acquisition of in-state banks and in-state bank holding companies.
 Aye No 4-1 (Javch)
 - AB 732, relating to: nonmetallic mining reclamation financial assurances.
 Aye No 3-2 (Javch, Chvala)
 - AB 734, relating to: partial deregulation of telecommunications services.
 Aye No 3-2 (Javch, Chvala)
 - AB 735, relating to: strategic energy assessments.
 Aye No 4-1 (Javch)


Signature

Paper Ballot: Senator Kanavas
Deadline: 3:00 pm, 1-21-04

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 Aye ___ No
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 Aye ___ No
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 Aye ___ No
- AB 734, relating to: partial deregulation of telecommunications services.
 Aye ___ No
- AB 735, relating to: strategic energy assessments.
 Aye ___ No



Signature

Paper Ballot: Senator Leibham
Deadline: 3:00 pm, 1-21-04

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- AB 727, relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent.

Aye ___ No

- AB 730, relating to: the acquisition of in-state banks and in-state bank holding companies.

Aye ___ No

- AB 732, relating to: nonmetallic mining reclamation financial assurances.

Aye ___ No

- AB 734, relating to: partial deregulation of telecommunications services.

Aye ___ No

- AB 735, relating to: strategic energy assessments.

Aye ___ No

Joe Leibham

Signature

Paper Ballot: Senator Chvala
Deadline: 3:00 pm, 1-21-04

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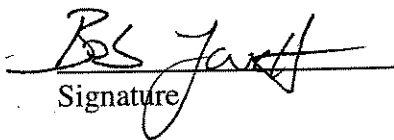
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- AB 730, relating to: the acquisition of in-state banks and in-state bank holding companies.
 Aye No
- AB 732, relating to: nonmetallic mining reclamation financial assurances.
 Aye No
- AB 734, relating to: partial deregulation of telecommunications services.
 Aye No
- AB 735, relating to: strategic energy assessments.
 Aye No

Chris Chvala
Signature

Paper Ballot: Senator Jauch
Deadline: 3:00 pm, 1-21-04

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- AB 727, relating to: making patient health care records concerning health care operations inapplicable to restrictions on release without informed consent.
 Aye No
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 Aye No
- AB 734, relating to: partial deregulation of telecommunications services.
 Aye No
- AB 735, relating to: strategic energy assessments.
 Aye No


Signature

WISCONSIN HOSPITAL ASSOCIATION, INC.

TO: Members of the State Senate
FROM: Jodi Bloch, Vice President Government Affairs
DATE: January 15, 2004
SUBJECT: Chapter 146 Amendment: HIPAA



The Wisconsin Hospital Association (WHA) requests your support for AB-727 which amends Chapter 146 and in doing so, provides the much needed clarity that health care providers need to encourage the utilization of quality improvement, cost containment measures and other health care operations.

Health care providers and payers currently are focusing on becoming compliant with some of the most significant and costly federal health care regulations enacted in a generation. The federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) is being implemented through a series of regulations that dramatically change the way health care providers and payers operate.

In April 2003, the U.S. Department of Health and Human Services (HHS) published the HIPAA Privacy Rule. The Privacy Rule requires providers and payers to modify their procedures and operations to protect the medical privacy of patients. The Privacy Rule also requires health care providers and payers to follow state law in certain circumstances. Wisconsin statutes provide significant protection for patient medical records, but the state's regulatory scheme is outdated and, in many respects, it is not clear whether providers should be following HIPAA or the state statute. This inconsistency between the federal and state law is causing compliance issues for providers and payers and needlessly increasing the administrative burden of the federal law. Moreover, this inconsistency between the laws has the effect of discouraging the accurate reporting and sharing of data in quality improvement efforts designed to reduce the cost and improve the delivery of health care.

While the state, at some point, should consider significant amendments to the medical record privacy statute to ensure consistency with the federal law, one amendment to the statute would eliminate a major inconsistency between the federal and state laws and assist providers and payers in their efforts to comply with this important law.

The HIPAA Privacy Rule permits providers to release medical records without patient consent for purposes of payment, treatment and operations. The Wisconsin statute permits the release of medical records without patient consent for purposes of payment and treatment, but impractically does not include an exception for health care operations. The Wisconsin statute should be amended as follows:

Amend s. 146.82(1) as follows: "This subsection does not prohibit reports made in compliance with S. 146.995, 253.12(2) or 979.01 or; testimony authorized under s.905.04(4)(h): or releases made for the purposes of health care operations, as defined in 45 CFR 164.501, and as authorized under 45 CFR 164, subpart E."

The Wisconsin Hospital Association (WHA) respectfully requests your support for AB-727 so that Wisconsin hospital staff can go about their business of providing the best patient care possible instead of worrying about how to comply with this inconsistency as a result of differing state and federal laws. If you have any questions, please do not hesitate to contact WHA's Jodi Bloch at 608/274-1820.



MARSHFIELD CLINIC

DATE: January 15, 2004

TO: Senate Select Committee on Jobs
Senator Cathy Stepp, Chair
Senator Carol Roessler
Senator Ron Brown
Senator Gwendolynne Moore
Senator Jeffrey Plale

FROM: Robert E. Phillips, M.D., Medical Director, Government Relations, Marshfield Clinic 

RE: Senate Bill 372/Assembly Bill 727 -- Health Care Records

Marshfield Clinic, representing 1 million patients, 6000 employees, and 741 physicians in 39 communities in north-central Wisconsin, urges your support of SB372/AB727 - conforming Wisconsin health records law with federal Health Insurance Portability and Accountability Act of 1996 (HIPAA). This legislation would eliminate a major inconsistency between federal and state law.

HIPAA and Wisconsin law currently protect the confidentiality of patient health care records. These records may be released only with patient consent except under certain exceptions specified by law. HIPAA allows release for payment, treatment and health care operations without consent. Wisconsin law allows release for payment and treatment without consent. Wisconsin law does not allow for release of patient records for health care operations. Adding health care operations to Wisconsin statutes would allow health care provider organizations to:

1. Conduct quality assessment and improvement activities.
2. Participate in population-based activities relating to improving care and reducing health care costs by managing such conditions as heart disease, diabetes and asthma.
3. Review the competence and qualifications of health care professionals, provider performance, health plan performance and conduct training programs for health care providers.
4. Conduct or arrange for medical review, legal services and/or auditing of health care.

From the Marshfield Clinic's health plan - Security Health Plan's perspective, current Wisconsin law prevents Marshfield Clinic from gathering Health Plan Employer Data Information Set (HEDIS) data without additional consent to report health outcomes as they relate to % flu shots given, % mammograms provided, and/or % pap smears completed to a population of patients.

Marshfield Clinic, through Security Health Plan, conducts care management processes whereby a nurse is assigned to a patient with a certain health condition such as congestive heart failure (CHF) and follows that patient throughout his/her course of treatment. In order to assist the patient in discharge planning for home, arrange for durable medical equipment and procure home health services, Wisconsin law requires additional consent from the patient for these activities.

HIPAA consent is a one time process that can only be revoked by the patient at any time, but does not require repeated authorizations which are time consuming, staff resource intensive, and slow provision and oversight of health care services.

Marshfield Clinic feels that SB372/AB727 is good health care policy change, which conforms state and federal law. We encourage your support of it.

Thank you for your attention to this. Please feel free to contact me with questions at 1-800-782-8581, extension 1-8692.



MARSHFIELD CLINIC

ROBERT E. PHILLIPS, M.D.

Medical Director, Government Relations

Office 715-387-9127

1-800-782-8581

phillips.robert@marshfieldclinic.org

Fax 715-389-4788

MARSHFIELD CENTER

1000 North Oak Avenue, Marshfield, WI 54449-5777

Memorandum

DATE: January 15, 2004

TO: Members, Wisconsin State Senate

FROM: Mary Starmann-Harrison
President and Regional CEO

Michael Heifetz
Director of Governmental Affairs

RE: Please Support Senate Bill 372/Assembly Bill 727

SSM Health Care of Wisconsin requests your support for Senate Bill 372 and its companion, Assembly Bill 727, relating to conforming Chapter 146 of state law to the federal Health Insurance Portability and Accountability Act (HIPAA). This legislation eliminates a major inconsistency between federal and state law and removes a needless barrier that prevents providers from implementing common quality management techniques.

The HIPAA Privacy Rule permits providers to release medical records without patient consent for purposes of payment, treatment and operations. However, Wisconsin law permits the release of medical records without patient consent for purposes of payment and treatment, but impractically does not include an exception for health care operations. This means we are unable to implement important quality management measures that would improve care and reduce costs.

For example, under current state law, we are not allowed to utilize patient information to help manage patients with potentially chronic diseases (such as diabetes, heart disease or osteoporosis) and ensure they are receiving appropriate and timely care. Such care can prevent more serious crises that often require expensive emergency room visits and/or medical procedures. Unaddressed, such diseases could place the patients in greater danger while simultaneously increasing costs. These outcomes are both undesirable and preventable.

This change would not permit distribution for marketing or other non-operational purposes. HIPAA is already very strict and providers and payers are spending significant amounts to ensure compliance and protect patient privacy. This legislation does nothing to diminish this. It simply removes the uncertainty between state and federal law and allows providers to implement reasonable quality measures that patients, payers and legislators appropriately expect.

Thank you for your consideration. Please contact our Director of Governmental Affairs, Michael Heifetz if you have questions. He may be reached at (608) 250-1225.





Memorandum

DATE: January 15, 2004

TO: Members, Wisconsin State Senate

FROM: Allen D. Kemp, MD
CEO and Chairman of the Board

Michael Heifetz
Director of Governmental Affairs

RE: Please Support Assembly Bill 727

Dean Health System requests your support for Senate Bill 372 and its companion, Assembly Bill 727, relating to conforming Chapter 146 of state law to the federal Health Insurance Portability and Accountability Act (HIPAA). This legislation eliminates a major inconsistency between federal and state law and removes a needless barrier that prevents providers from implementing common quality management techniques.

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