

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 **AN ACT** *to repeal* 15.07 (2) (b), 15.07 (3) (bm) 1., 15.195 (6), 15.195 (9), 16.03 (3),
2 153.01 (2), 153.07, 153.45 (5), 153.45 (6), 153.67, 153.75 (1) (a), (b), (f), (h), (m),
3 (n), (o), (p), (r), (t), and (u), 153.75 (2) and 153.76; *to renumber* 153.01 (1) and
4 153.22 (1); *to renumber and amend* 20.435 (4) (hg) and 20.435 (4) (hi); *to*
5 *amend* 20.435 (1) (hg), 20.515 (1) (ut), 40.03 (6) (j), 153.01 (5m), 153.05 (1) (a),
6 153.05 (1) (b), 153.05 (5) (a), 153.05 (6m), 153.05 (6r), 153.05 (8) (a), 153.05 (9)
7 (a), 153.05 (12) (a), 153.05 (13), 153.10 (1), 153.45 (1) (intro.), 153.45 (1) (b)
8 (intro.), 153.45 (1) (b) 9., 153.45 (1) (b) 9., 153.45 (1) (b) 10., 153.45 (1) (b) 11.,
9 153.45 (1) (c) (intro.), 153.45 (1m), 153.45 (3), 153.50 (3) (a), 153.50 (4) (a)
10 (intro.), 153.50 (4) (a) 1. b., 153.50 (4) (b), 153.60 (title), 153.60 (1), 153.60 (1),
11 153.60 (1), 153.60 (3), 153.65 (1), 153.75 (1) (intro.), 153.75 (2) (intro.), 153.85,
12 153.90 (1) and 153.90 (2); and *to create* 153.01 (1d), 153.01 (2g), 153.01 (3g),
13 153.05 (1) (c), 153.05 (2r), 153.05 (3) (c), 153.05 (5) (c), 153.05 (8) (c), 153.05 (9)
14 (c), 153.05 (12) (c), 153.45 (intro.), 153.455, 153.50 (intro.), 153.50 (1) (b) 1m.,
15 153.50 (4) (c) and 153.60 (intro.) of the statutes; **relating to:** requiring a

1 contract with a data organization for the collection, analysis, and dissemination
2 of health care claims information, eliminating the board on health care
3 information and the independent review board, and making appropriations.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided for a subsequent version.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 SECTION 1. 15.07 (2) (b) of the statutes is repealed.

5 SECTION 2. 15.07 (3) (bm) 1. of the statutes is repealed.

6 SECTION 3. 15.195 (6) of the statutes is repealed.

7 SECTION 4. 15.195 (9) of the statutes is repealed.

8 SECTION 5. 16.03 (3) of the statutes is repealed.

9 SECTION 6. 20.435 (1) (hg) of the statutes, as affected by 2005 Wisconsin Act ...
10 (this act), is amended to read:

11 20.435 (1) (hg) *General program operations; health care information.* The
12 amounts in the schedule to fund the activities of the department of health and family
13 services ~~and the board on health care information~~ under ch. 153 and to contract with
14 the data organization under s. 153.05 (2r). The contract fees paid under s. 153.05
15 (6m) and assessments paid under s. 153.60 shall be credited to this appropriation
16 account.

17 SECTION 7. 20.435 (4) (hg) of the statutes is renumbered 20.435 (1) (hg) and
18 amended to read:

19 20.435 (1) (hg) *General program operations; health care information.* The
20 amounts in the schedule to fund the activities of the department of health and family

1 services and the board on health care information under ch. 153 and to contract with
2 the data organization under s. 153.05 (2r). The contract fees paid under s. 153.05
3 (6m) and assessments paid under s. 153.60 shall be credited to this appropriation
4 account.

5 **SECTION 8.** 20.435 (4) (hi) of the statutes is renumbered 20.435 (1) (hi) and
6 amended to read:

7 20.435 (1) (hi) *Compilations and special reports; health care information.* All
8 moneys received from user fees imposed under s. 153.65 (1) for the purpose of
9 financing the costs of the department of health and family services of producing
10 special data compilations or special reports under s. 153.65 and to contract with the
11 data organization under s. 153.05 (2r).

12 **SECTION 9.** 20.515 (1) (ut) of the statutes is amended to read:

13 20.515 (1) (ut) *Health insurance data collection and analysis contracts.* From
14 the public employee trust fund, the amounts in the schedule for the costs of
15 contracting for insurance data collection and analysis services under s. ~~ss.~~ 40.03 (6)
16 (j) and 153.05 (2r). *add "up to ~~the~~ \$150,000 annually"*

17 **SECTION 10.** 40.03 (6) (j) of the statutes is amended to read:

18 40.03 (6) (j) May contract with the department of health and family services
19 ~~and~~, may contract with other public or private entities for data collection and
20 analysis services related to health maintenance organizations and insurance
21 companies that provide health insurance to state employees, and may contract with
22 a data organization under s. 153.05 (2r). *deals w/ Group Ins Bd*

23 **SECTION 11.** 153.01 (1) of the statutes is renumbered 153.01 (1g).

24 **SECTION 12.** 153.01 (1d) of the statutes is created to read:

25 153.01 (1d) "Administrator" has the meaning given in s. 633.01 (1).

1 **SECTION 13.** 153.01 (2) of the statutes is repealed.

2 **SECTION 14.** 153.01 (2g) of the statutes is created to read:

3 153.01 **(2g)** “Calculated variable” means a data element that is computed or
4 derived from an original data item or derived using another data source.

5 **SECTION 15.** 153.01 (3g) of the statutes is created to read:

6 153.01 **(3g)** “Data organization” means a nonstock corporation organized
7 under ch. 181 that is described in section 501 (c) (3) of the Internal Revenue Code,
8 is exempt from federal income tax under section 501 (a) of the Internal Revenue
9 Code, and represents health care consumers, insurers, administrators, and health
10 care providers. *need more specificity – see suggestions.*

11 **SECTION 16.** 153.01 (5m) of the statutes is amended to read:

12 153.01 **(5m)** “Insurer” has the meaning given under s. ~~600.03 (27)~~ 632.745 (15).

13 **SECTION 17.** 153.05 (1) (a) of the statutes is amended to read:

14 153.05 **(1)** (a) ~~The~~ Subject to s. 153.455, the department shall collect from
15 health care providers other than hospitals and ambulatory surgery centers, analyze,
16 and disseminate health care information, as adjusted for case mix and severity, in
17 language that is understandable to laypersons.

18 **SECTION 18.** 153.05 (1) (b) of the statutes is amended to read:

19 153.05 **(1)** (b) The entity under contract under sub. (2m) (a) shall collect from
20 hospitals and ambulatory surgery centers the health care information required of
21 hospitals and ambulatory surgery centers by the department under ch. 153, 2001
22 stats., and the rules promulgated under ch. 153, 2001 stats., including, by the date
23 that is 18 months after the date of the contract under sub. (2m) (a), outpatient
24 hospital-based services. The entity shall analyze and disseminate that health care
25 information, as adjusted for case mix and severity, in the manner required under this

1 chapter, under ch. 153, 2001 stats., and, to the extent that the rules are consistent
 2 with this chapter, under the rules promulgated under ch. 153, 2001 stats., and in
 3 language that is understandable to laypersons.

4 **SECTION 19.** 153.05 (1) (c) of the statutes is created to read:

5 153.05 (1) (c) Subject to s. 153.455, the data organization under contracts under
 6 sub. (2r) shall collect from insurers that are not self insurers and from administrators
 7 of insured plans and self-insured governmental plans, and may collect from self
 8 insurers and administrators of self-insured nongovernmental plans, health care
 9 claims information other than information concerning services provided by hospitals
 10 and ambulatory surgery centers. The data organization shall analyze and publicly
 11 report the health care claims information with respect to the cost, quality, and
 12 effectiveness of health care, in language that is understandable by lay persons, and
 13 shall develop and maintain a centralized data repository. The data organization
 14 shall provide to the department, without charge, health care claims information
 15 collected by and reports produced by the data organization that the department
 16 requests.

****NOTE: These requirements are exceedingly broad; should they be more specific,
 or is it expected that the requirements will be specified in the contract? *OK as is*

17 **SECTION 20.** 153.05 (2r) of the statutes is created to read: *Yes will specify in contract.*

18 153.05 (2r) Notwithstanding s. 16.75 (1), (2), and (3m), from the appropriation
 19 accounts under s. 20.435 (1) (hg) and (hi), the department shall, and, from the
 20 appropriation account under s. 20.515 (1) (ut), the department of employee trust
 21 funds shall, contract with a data organization to perform services under this chapter
 22 that are specified for the data organization under sub. (1) (c). As condition of the
 23 contracts under this subsection, all of the following apply:

1 (a) At least during the period of the contracts, the data organization shall
 2 include as voting members of the board of directors of the data organization the
 3 secretary of health and family services and the secretary of employee trust funds, or
 4 their designees.

5 (b) The data organization shall provide matching funds, or in kind
 6 contributions, or both, that equal at least 100 percent of the amounts of the contracts.

including funds from data sales

7 (c) Termination of funding and of services of the data organization under the
 8 contracts is subject to a determination made under s. 153.455 (3).

will change contracts to singular throughout doc.

9 **SECTION 21.** 153.05 (3) (c) of the statutes is created to read:

10 153.05 (3) (c) Subject to s. 153.455, upon request of the data organization under
 11 contracts under sub. (2r) for health care claims information, other than information
 12 concerning services provided by hospitals and ambulatory surgery centers, insurers
 13 that are not self insurers and administrators of insured plans and self-insured
 14 governmental plans shall, and self insurers and administrators of self-insured
 15 nongovernmental plans may, provide the health care claims information to the data
 16 organization for use in preparing reports and developing and maintaining a central
 17 data repository under this chapter.

18 **SECTION 22.** 153.05 (5) (a) of the statutes is amended to read:

19 153.05 (5) (a) Unless sub. (13) applies, subject to s. 153.455, the department
 20 may require health care providers other than hospitals and ambulatory surgery
 21 centers to submit to the department information ~~specified by rule under s. 153.75 (1)~~
 22 ~~(a)~~ for the preparation of reports, plans, and recommendations in the form specified
 23 by the department ~~by rule~~.

24 **SECTION 23.** 153.05 (5) (c) of the statutes is created to read:

1 153.05 (5) (c) Unless sub. (13) applies, subject to s. 153.455, the data
2 organization under contract under sub. (2r) shall require insurers that are not self
3 insurers and administrators of insured plans and self-insured governmental plans,
4 and shall request self insurers and administrators of self-insured nongovernmental
5 plans, to submit to the data organization health care claims information for the
6 preparation of reports, plans, and recommendations in the form specified by the data
7 organization.

8 **SECTION 24.** 153.05 (6m) of the statutes is amended to read:

9 153.05 (6m) The department may contract with the group insurance board for
10 the provision of data collection and analysis services related to health maintenance
11 organizations and insurance companies that provide health insurance for state
12 employees. The department shall establish contract fees for the provision of the
13 services. All moneys collected under this subsection shall be credited to the
14 appropriation under s. 20.435 (4) (1) (hg).

15 **SECTION 25.** 153.05 (6r) of the statutes is amended to read:

16 153.05 (6r) The department shall study and, based on the results of the study,
17 may develop and implement a voluntary system of health care plan reporting that
18 enables purchasers and consumers to assess the performance of health care plans
19 and the health care providers, other than hospitals and ambulatory surgery centers,
20 that are employed or reimbursed by the health care plans. The department shall
21 undertake the study and any development and implementation in cooperation with
22 private health care purchasers, ~~the board~~, the department of employee trust funds,
23 the office of the commissioner of insurance, the interagency coordinating council
24 created under s. 15.107 (7), major associations of health care providers, health care
25 plans and consumers. If implemented, the department shall operate the system in

1 a manner so as to enable purchasers, consumers, the public, the governor and
2 legislators to assess the performance of health care plans and health care providers
3 other than hospitals and ambulatory surgery centers.

4 **SECTION 26.** 153.05 (8) (a) of the statutes is amended to read:

5 153.05 (8) (a) Unless sub. (13) applies, subject to s. 153.455, the department
6 shall collect, analyze and disseminate, in language that is understandable to
7 laypersons, claims information and other health care information, as adjusted for
8 case mix and severity, under the provisions of this chapter, ~~as determined by rules~~
9 ~~promulgated by the department~~, from health care providers, other than hospitals
10 and ambulatory surgery centers, ~~specified by rules promulgated by the department~~.

11 Data from those health care providers may be obtained through sampling techniques
12 in lieu of collection of data on all patient encounters and data collection procedures
13 shall minimize unnecessary duplication and administrative burdens. If the
14 department collects from health care plans data that is specific to health care
15 providers other than hospitals and ambulatory surgery centers, the department
16 shall attempt to avoid collecting the same data from those health care providers.

17 **SECTION 27.** 153.05 (8) (c) of the statutes is created to read:

18 153.05 (8) (c) Unless sub. (13) applies, subject to s. 153.455, the data
19 organization under contract under sub. (2r) shall collect, analyze, and publicly
20 report, in language that is understandable to laypersons, health care claims
21 information, other than information concerning services provided by hospitals or
22 ambulatory surgery centers, as adjusted for case mix and severity, from insurers that
23 are not self insurers and administrators of insured plans and self-insured
24 governmental plans, and may collect, analyze, and publicly report this information
25 from self insurers and administrators of self-insured nongovernmental plans. Data

1 from these sources may be obtained through sampling techniques in lieu of collection
2 of data on all insureds, and data collection procedures shall minimize unnecessary
3 duplication and administrative burdens.

4 **SECTION 28.** 153.05 (9) (a) of the statutes is amended to read:

5 153.05 (9) (a) The Subject to s. 153.455, the department shall provide
6 orientation and training to health care providers, other than hospitals and
7 ambulatory surgery centers, who submit data under this chapter, to explain the
8 process of data collection and analysis and the procedures for data verification,
9 comment, interpretation, and release.

10 **SECTION 29.** 153.05 (9) (c) of the statutes is created to read:

11 153.05 (9) (c) Subject to s. 153.455, the data organization under contract under
12 sub. (2r) shall provide orientation and training to insurers that are not self insurers,
13 administrators of insured plans and self-insured governmental plans, self insurers,
14 and administrators of self-insured nongovernmental plans that submit data under
15 this chapter, to explain the process of data collection and analysis and the procedures
16 for data verification, comment, interpretation, and release.

17 **SECTION 30.** 153.05 (12) (a) of the statutes is amended to read:

18 153.05 (12) (a) The Subject to s. 153.455, the department shall, to the extent
19 possible and upon request, assist members of the public in interpreting data in
20 health care information disseminated by the department.

21 **SECTION 31.** 153.05 (12) (c) of the statutes is created to read:

22 153.05 (12) (c) The data organization under contract under sub. (2r) shall,
23 subject to s. 153.455, to the extent possible and upon request, assist members of the
24 public in interpreting data in health care information disseminated by the data
25 organization.

1 153.45 (1) (intro.) After completion of data verification, comment and review
2 procedures specified by the department ~~by rule~~, the department shall release data,
3 together with comments, if any, in the following forms:

4 **SECTION 38.** 153.45 (1) (b) (intro.) of the statutes is amended to read:

5 153.45 (1) (b) (intro.) For information that is submitted by health care
6 providers other than hospitals or ambulatory surgery centers, public use data files
7 that do not permit the identification of specific patients, employers, or health care
8 providers, ~~as defined by rules promulgated by the department~~. The identification of
9 patients, employers, or health care providers shall be protected by all necessary
10 means, including the deletion of patient identifiers; the use of calculated variables
11 and aggregated variables; the specification of counties as to residence, rather than
12 zip codes; the use of 5-year categories for age, rather than exact age; not releasing
13 information concerning a patient's race, ethnicity, or dates of admission, discharge,
14 procedures, or visits; and masking sensitive diagnoses and procedures by use of
15 larger diagnostic and procedure categories. Public use data files under this
16 paragraph may include only the following:

17 **SECTION 39.** 153.45 (1) (b) 9. of the statutes is amended to read:

18 153.45 (1) (b) 9. Information that contains the name of a health care provider
19 that is not a hospital or ambulatory surgery center, if the ~~independent review board~~
20 department first reviews and approves the release (or if the department promulgates
21 rules that specify circumstances under which the independent review board need not
22 review and approve the release.) *delete? we did not discuss*

23 **SECTION 40.** 153.45 (1) (b) 9. of the statutes, as affected by 2005 Wisconsin Act
24 (this act), is amended to read:

1 153.45 (1) (b) 9. Information that contains the name of a health care provider
2 that is not a hospital or ambulatory surgery center, if the department first reviews
3 and approves the release ~~or if the department promulgates rules that specify~~
4 ~~circumstances under which the independent review board need not review and~~
5 ~~approve the release.~~

****NOTE: I was unsure what to do with this provision; have I amended it as you
wish? *Yes - OK*

6 **SECTION 41.** 153.45 (1) (b) 10. of the statutes is amended to read:

7 153.45 (1) (b) 10. Calendar quarters of service, except if the department
8 specifies ~~by rule~~ that the number of data elements included in the public use data file
9 is too small to enable protection of patient confidentiality.

10 **SECTION 42.** 153.45 (1) (b) 11. of the statutes is amended to read:

11 153.45 (1) (b) 11. Information other than patient-identifiable data, as defined
12 in s. 153.50 (1) (b), as approved by the ~~independent review board~~ department.

****NOTE: I was unsure what to do with this provision; have I amended it as you
wish? *Yes - OK*

13 **SECTION 43.** 153.45 (1) (c) (intro.) of the statutes is amended to read:

14 153.45 (1) (c) (intro.) Custom-designed reports containing portions of the data
15 under par. (b). ~~Of information submitted by health care providers that are not~~
16 ~~hospitals or ambulatory surgery centers, requests under this paragraph for data~~
17 ~~elements other than those available for public use data files under par. (b), including~~
18 ~~the patient's month and year of birth, require review and approval by the~~
19 ~~independent review board before the data elements may be released.~~ Information
20 that contains the name of a health care provider that is not a hospital or ambulatory
21 surgery center may be released only if the ~~independent review board~~ department
22 first reviews and approves the release ~~or if the department promulgates rules that~~

1 ~~specify circumstances under which the independent review board need not review~~
2 ~~and approve the release.~~ Reports under this paragraph may include the patient's zip
3 code only if at least one of the following applies:

****NOTE: I was unsure what to do with this provision; have I amended it as you
wish? *yes ok*

4 **SECTION 44.** 153.45 (1m) of the statutes is amended to read:

5 153.45 (1m) After completion of data verification and review procedures
6 specified by the department ~~by rule~~, the department may, but is not required to,
7 release special data compilations.

8 **SECTION 45.** 153.45 (3) of the statutes is amended to read:

9 153.45 (3) The department may, but is not required to, release health care
10 provider-specific and employer-specific data that relates to health care providers
11 other than hospitals and ambulatory surgery centers, except in public use data files
12 as specified under sub. (1) (b), ~~in a manner that is specified in rules promulgated by~~
13 ~~the department.~~

14 **SECTION 46.** 153.45 (5) of the statutes is repealed.

****NOTE: Is this provision treated as you wish? *yes ok*

15 **SECTION 47.** 153.45 (6) of the statutes is repealed. *ok*

****NOTE: Is this provision treated as you wish?

16 **SECTION 48.** 153.455 of the statutes is created to read:

17 **153.455 Data organization; contract contingency. (1)** Except as provided
18 in subs. (2) and (3), beginning on the date, if any, but not before January 1, 2007, that
19 the secretary of health and family services determines that the data organization
20 under the contracts under s. 153.05 (2r) is, under the contracts, collecting health care
21 claims information as specified in the contract and under s. 153.05 (1) (c), the

1 department may not collect, analyze, or disseminate health care information as
2 specified in this chapter.

3 (2) Sub. (1) does not apply to ss. 153.21 (1) and 153.60 (1). *(consumer guide)* *(collect assessments)*

4 (3) Beginning on the date, if any, that the secretary of health and family *Debona*
5 services and the secretary of employee trust funds *are dissatisfied...* *will rewrite*
6 public reporting of information regarding the cost, quality, and effectiveness of
7 health care, including the development and maintenance of a centralized data
8 repository, are not ~~feasible~~ under the contracts under s. 153.05 (2r), the data
9 organization under the contracts under s. 153.05 (2r) may no longer collect, analyze,
10 or disseminate health care claims information as specified in the contracts and the
11 department shall ~~resume~~ *undertake* collection, analysis, and dissemination of health care
12 information under this chapter and, notwithstanding s. 227.10, ~~shall~~ *from providers and insurers may* do so without
13 promulgating rules.

14 SECTION 49. 153.50 (intro.) of the statutes is created to read:

15 153.50 (intro.) Subject to s. 153.455:

16 SECTION 50. 153.50 (1) (b) 1m. of the statutes is created to read:

17 153.50 (1) (b) 1m. "Patient-identifiable data," ~~for information related to~~ *delete phrase*
18 ~~hospitals and ambulatory surgery centers~~, does not include calculated variables that
19 are derived from patient-identifiable data.

****NOTE: Should any qualifier be made on this definition, such as "and the use of
which does not permit patient identification"? Please also see the Drafter's Note.

20 SECTION 51. 153.50 (3) (a) of the statutes is amended to read: *when data is disseminated*
will clarify that the calc. variables are for
analysis purposes,
not for dissemination

21 153.50 (3) (a) Aggregate any data element category containing small numbers.

22 The department, in so doing, shall use procedures that are developed by the

1 department ~~and approved by the board~~ and that follow commonly accepted
2 statistical methodology.

3 **SECTION 52.** 153.50 (4) (a) (intro.) of the statutes is amended to read:

4 153.50 (4) (a) (intro.) Except as specified in ~~par. pars.~~ (b) and (c), under the
5 procedures specified in sub. (5), release of patient-identifiable data may be made
6 only to any of the following:

7 **SECTION 53.** 153.50 (4) (a) 1. b. of the statutes is amended to read:

8 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)
9 (a) who is responsible for the patient-identifiable data of the entity, in order to store
10 the data and ensure the accuracy of the information in the database of the entity or
11 to create a calculated variable that is derived from the patient-identifiable data.

****NOTE: Please see the Drafter's Note with respect to this provision.

12 **SECTION 54.** 153.50 (4) (b) of the statutes is amended to read:

13 153.50 (4) (b) Of information submitted by health care providers that are not
14 hospitals or ambulatory surgery centers, patient-identifiable data that contain a
15 patient's date of birth may be released under par. (a) only under circumstances as
16 specified ~~by rule~~ by the department.

17 **SECTION 55.** 153.50 (4) (c) of the statutes is created to read:

18 153.50 (4) (c) The data organization under contracts under s. 153.05 (2r) may
19 share health care claims data collected by the data organization if the sharing is in
20 compliance with 42 USC 1320d-2 and 1320d-4 and 45 CFR 164.

21 **SECTION 56.** 153.60 (title) of the statutes is amended to read:

22 **153.60 (title) Assessments to fund operations of department and board.**

23 **SECTION 57.** 153.60 (intro.) of the statutes is created to read:

24 153.60 (intro.) Subject to s. 153.455:

1 **SECTION 58.** 153.60 (1) of the statutes is amended to read:

2 153.60 (1) The department shall, by the first October 1 after the
3 commencement of each fiscal year, estimate the total amount of expenditures under
4 this chapter for the department and the board for that fiscal year for data collection,
5 database development and maintenance, generation of data files and standard
6 reports, orientation and training provided under s. 153.05 (9) (a) ~~and~~, maintaining
7 the board, and contracting with the data organization under s. 153.05 (2r). The
8 department shall assess the estimated total amount for that fiscal year less the
9 estimated total amount to be received for purposes of administration of this chapter
10 under s. 20.435 (4) (1) (hi) during the fiscal year, and the unencumbered balance of
11 the amount received for purposes of administration of this chapter under s. 20.435
12 (4) (1) (hi) from the prior fiscal year ~~and the amount in the appropriation account~~
13 ~~under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to health care providers, other~~
14 ~~than hospitals and ambulatory surgery centers, who are in a class of health care~~
15 ~~providers from whom the department collects data under this chapter in a manner~~
16 ~~specified by the department by rule.~~ (The department shall obtain approval from the *did not*
17 board for the amounts of assessments for health care providers other than hospitals *discuss -*
18 and ambulatory surgery centers.) ** should*
19 The department shall work together with the *be deleted?*
20 department of regulation and licensing to develop a mechanism for collecting
21 assessments from health care providers other than hospitals and ambulatory
22 surgery centers. No health care provider that is not a facility may be assessed under
23 this subsection an amount that exceeds \$75 per fiscal year. All payments of
assessments shall be credited to the appropriation under s. 20.435 (4) (1) (hg).

24 **SECTION 59.** 153.60 (1) of the statutes, as affected by 2005 Wisconsin Act

25 (this act), section 58, is amended to read:

1 153.60 (1) The department shall, by the first October 1 after the
2 commencement of each fiscal year, estimate the total amount of expenditures under
3 this chapter for the department ~~and the board~~ for that fiscal year for data collection,
4 database development and maintenance, generation of data files and standard
5 reports, orientation and training provided under s. 153.05 (9) (a), ~~maintaining the~~
6 ~~board~~, and contracting with the data organization under s. 153.05 (2r). The
7 department shall assess the estimated total amount for that fiscal year less the
8 estimated total amount to be received for purposes of administration of this chapter
9 under s. 20.435 (1) (hi) during the fiscal year and the unencumbered balance of the
10 amount received for purposes of administration of this chapter under s. 20.435 (1)
11 (hi) from the prior fiscal year, to health care providers, other than hospitals and
12 ambulatory surgery centers, who are in a class of health care providers from whom
13 the department collects data under this chapter in a manner specified by the
14 department by rule. ~~The department shall obtain approval from the board for the~~
15 ~~amounts of assessments for health care providers other than hospitals and~~
16 ~~ambulatory surgery centers.~~ The department shall work together with the
17 department of regulation and licensing to develop a mechanism for collecting
18 assessments from health care providers other than hospitals and ambulatory
19 surgery centers. No health care provider that is not a facility may be assessed under
20 this subsection an amount that exceeds \$75 per fiscal year. All payments of
21 assessments shall be credited to the appropriation under s. 20.435 (1) (hg).

22 **SECTION 60.** 153.60 (1) of the statutes, as affected by 2005 Wisconsin Act (this
23 act), section 59, is amended to read:

24 153.60 (1) The department shall, by the first October 1 after the
25 commencement of each fiscal year, estimate the total amount of expenditures under

1 this chapter for the department for that fiscal year for data collection, database
2 development and maintenance, generation of data files and standard reports,
3 orientation and training provided under s. 153.05 (9) (a) and contracting with the
4 data organization under s. 153.05 (2r). The department shall assess the estimated
5 total amount for that fiscal year less the estimated total amount to be received for
6 purposes of administration of this chapter under s. 20.435 (1) (hi) during the fiscal
7 year and the unencumbered balance of the amount received for purposes of
8 administration of this chapter under s. 20.435 (1) (hi) from the prior fiscal year, to
9 health care providers, other than hospitals and ambulatory surgery centers, who are
10 in a class of health care providers from whom the department collects data under this
11 chapter ~~in a manner specified by the department by rule~~. The department shall work
12 together with the department of regulation and licensing to develop a mechanism for
13 collecting assessments from health care providers other than hospitals and
14 ambulatory surgery centers. No health care provider that is not a facility may be
15 assessed under this subsection an amount that exceeds \$75 per fiscal year. All
16 payments of assessments shall be credited to the appropriation under s. 20.435 (1)
17 (hg).

18 **SECTION 61.** 153.60 (3) of the statutes is amended to read:

19 153.60 (3) The department shall, by the first October 1 after the
20 commencement of each fiscal year, estimate the total amount of expenditures
21 required for the collection, database development and maintenance and generation
22 of public data files and standard reports for health care plans that voluntarily agree
23 to supply health care data under s. 153.05 (6r). The department shall assess the
24 estimated total amount for that fiscal year to health care plans in a manner specified
25 by the department by rule and may enter into an agreement with the office of the

1 commissioner of insurance for collection of the assessments. Each health plan that
2 voluntarily agrees to supply this information shall pay the assessments on or before
3 December 1. All payments of assessments shall be deposited in the appropriation
4 under s. 20.435 (4) (1) (hg) and may be used solely for the purposes of s. 153.05 (6r).

5 **SECTION 62.** 153.65 (1) of the statutes is amended to read:

6 153.65 (1) The Subject to s. 153.455, the department may, but is not required
7 to, provide, upon request from a person, a data compilation or a special report based
8 on the information collected by the department. The department shall establish user
9 fees for the provision of these compilations or reports, payable by the requester,
10 which shall be sufficient to fund the actual necessary and direct cost of the
11 compilation or report. All moneys collected under this subsection shall be credited
12 to the appropriation under s. 20.435 (4) (1) (hi).

13 **SECTION 63.** 153.67 of the statutes is repealed.

14 **SECTION 64.** 153.75 (1) (intro.) of the statutes is amended to read:

15 153.75 (1) (intro.) ~~Following approval by the board, the~~ The department shall
16 promulgate the following rules:

17 **SECTION 65.** 153.75 (1) (a), (b), (f), (h), (m), (n), (o), (p), (r), (t), and (u) of the
18 statutes are repealed.

19 **SECTION 66.** 153.75 (2) (intro.) of the statutes is amended to read:

20 153.75 (2) (intro.) ~~Following approval by the board, the~~ The department may
21 promulgate all of the following rules:

22 **SECTION 67.** 153.75 (2) of the statutes, as affected by 2005 Wisconsin Act
23 (this act), is repealed.

24 **SECTION 68.** 153.76 of the statutes is repealed.

25 **SECTION 69.** 153.85 of the statutes is amended to read:

1 **153.85 Civil liability.** Except as provided in s. 153.86, any person violating
2 s. 153.50 ~~or rules promulgated under s. 153.75 (1) (a)~~ is liable to the patient for actual
3 damages and costs, plus exemplary damages of up to \$1,000 for a negligent violation
4 and up to \$5,000 for an intentional violation.

5 **SECTION 70.** 153.90 (1) of the statutes is amended to read:

6 153.90 (1) Whoever intentionally violates s. ~~153.45 (5) or 153.50 or rules~~
7 ~~promulgated under s. 153.75 (1) (a)~~ may be fined not more than \$15,000 or
8 imprisoned for not more than one year in the county jail or both.

9 **SECTION 71.** 153.90 (2) of the statutes is amended to read:

10 153.90 (2) Any person who violates this chapter or any rule promulgated under
11 the authority of this chapter, except ~~ss. 153.45 (5), s. 153.50 and 153.75 (1) (a), as~~
12 ~~provided in s. 153.85 and sub. (1)~~, shall forfeit not more than \$100 for each violation.
13 Each day of violation constitutes a separate offense, except that no day in the period
14 between the date on which a request for a hearing is filed under s. 227.44 and the date
15 of the conclusion of all administrative and judicial proceedings arising out of a
16 decision under this section constitutes a violation.

17 **SECTION 72. Effective dates.** This act takes effect on the day after publication,
18 except as follows:

19 (1) **ELIMINATION OF BOARD ON HEALTH CARE INFORMATION.** The treatment of
20 sections 15.07 (2) (b) and (3) (bm) 1., 15.195 (6), 16.03 (3), 20.435 (1) (hg), 153.01 (2),
21 153.05 (6r), 153.07, 153.50 (3) (a), 153.60 (title), 153.60 (1) (by SECTION 59), 153.75
22 (1) (intro.) and (2) (intro.), and 153.76 of the statutes takes effect on July 1, 2007.

23 (2) **ELIMINATION OF INDEPENDENT REVIEW BOARD.** The treatment of sections
24 15.195 (9), 153.45 (1) (b) 9. (by SECTION 39) and 11. and (c) (intro.), 153.45 (6), and
25 153.67 of the statutes takes effect on July 1, 2007.

1 (3) HEALTH CARE INFORMATION; DEPARTMENTAL POWERS; RULE MAKING. The
2 treatment of sections 153.05 (1) (a), (5) (a), and (8) (a), 153.45 (1) (intro.) and (b)
3 (intro.), 9. (by SECTION 40), and 10., (1m), (3), and (5), 153.50 (4) (a) (intro.), (b), and
4 (c), 153.60 (1) (by SECTION 60), 153.65 (1), 153.85, and 153.90 (1) and (2) of the statutes
5 and the repeal of section 153.75 (1) (a), (b), (f), (h), (m), (n), (o), (p), (r), (t), and (u) and
6 (2) of the statutes take effect on the date specified in s. 153.455 (1) of the statutes,
7 as created by this act.

8

(END)



State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Helene Nelson, Secretary

DATE: July 1, 2005

TO: Debora Kennedy
Legislative Reference Bureau

FROM: Helene Nelson, Secretary 
Wisconsin Department of Health and Family Services

SUBJECT: POV D Replacement System Legislation

As you may know, I have been an advocate of the development of a public-private partnership to replace the current DHFS Physician Office Visit Data, the project that Representative Underheim is now supporting.

I regret that I have not personally had a chance to review the draft legislation that you prepared. Fortunately we will have more time to work on the draft since it appears it will proceed as separate legislation this fall.

I spoke with Susan Wood, Director of the DHFS Bureau of Health Information and Policy, and Diane Welsh, DHFS Chief Legal Counsel very briefly yesterday. Diane expressed that she didn't see need for modifying the state's patient confidentiality requirements for the new system. Diane is off today but can discuss this more fully with you when you are both present. Susan provided me with her thoughts on the draft; since I don't know if she shared these with you, I am forwarding them on to you (enclosed). Generally I share Susan's perspectives as shown but I didn't review this carefully.

I am confident that we have a broad agreement on the purpose and parameters for the law changes. However, I welcome a chance to spend some added time on the actual legislative draft with staff and other interested parties.

Thank-you for your work on this.

CC: Diane Welsh, Susan Wood, Jim Johnston, Dick Sweet

Wisconsin.gov

Kennedy, Debora

From: Welsh, Diane
Sent: Thursday, June 30, 2005 5:00 PM
To: Kennedy, Debora
Cc: Johnston, James; Wood, Susan; [legis.state.wi.us]; Richard.Sweet
Subject: LRB 3240/P1dn

Sec. Nelson hopes to review the draft on Friday and provide any input then.

Susan recommends the following deletions:

p. 11, s. 39 delete: "or if the department promulgates rules that . . .
release." *OK*

p. 16, s. 58 delete: "The department shall obtain approval
ambulatory
surgery centers." *No*

I'll be out of the office on Friday, but reachable by cell 212-4066--and in
the office next week.

Best of luck,

Diane

Adding data org. to s. 153.50:

✓ (3) (intro)

x (a)

✓ (b) (intro.)

✓ (d)

DN (3m)

✓ CE (4) (a) l.c.

✓ 2.

✓ 3.

DN x (b)

✓ (5) (a) (intro.)

✓ (b) ~~#~~ (intro) & l.

✓ (6) (a) l. ✓

DN ✓ (b)

✓ (c) (intro.)

✓ (d)

✓ (e) (intro)

DHFS reqd. to do data org work plus own regents if d.o. ^{contract} fails

✓ 153.05 (1) (a)

✓ (3) (a)

✓ (5) (a)

✓ (8) (a)

✓ (9) (a) ~~#~~

✓ (12) (a)

✓ 153.10 (1)

DKR check everywhere

s. 153.455 is referenced