

2013 DRAFTING REQUEST

Bill

Received: 10/4/2013 Received By: tdodge
 Wanted: As time permits Same as LRB:
 For: Paul Tittl (608) 266-0315 By/Representing: Steve Hall
 May Contact: Drafter: tdodge
 Subject: Health - vital statistics Addl. Drafters:
 Extra Copies:

Submit via email: YES
 Requester's email: Rep.Tittl@legis.wisconsin.gov
 Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov
 michael.duchek@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Fees to obtain medical records by public defenders

Instructions:

See attached

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>
/?	tdodge	1/15f 10/30	1/15f 10/30				

Jim * Jo
10/31

FE Sent For:

<END>

Dodge, Tamara

From: Hall, Steve
Sent: Wednesday, October 02, 2013 2:39 PM
To: Dodge, Tamara
Subject: Medical records for public defenders

Tamara,

Thanks for sending these options.

Please proceed with option #1.

Thanks.

Steve

Steve Hall
Office of Representative Paul Tittl
25th Assembly District
PO Box 8953
Madison, WI 53708
Phone: 608.266.0315
Toll Free: 888.529.0025

From: Dodge, Tamara
Sent: Thursday, September 26, 2013 11:19 AM
To: Hall, Steve
Subject: Medical records for public defenders

Steve,

As we discussed this morning, I am sending some alternatives for the draft to allow public defenders to obtain medical records at a reduced cost. As noted by the Legislative Fiscal Bureau, the current wording of the 2011 LRB-4144 conflicts with HIPAA privacy provisions.

The first option to remedy that problem would allow public defenders the same access as LRB-4144 but would just require written informed consent for obtaining and viewing the records. The resulting draft language for this option would be something like "...person authorized by the patient' includes an attorney appointed to represent the patient under s. 977.08, **if that attorney has written informed consent from the patient to view and obtain the records.**" This option makes the fewest changes to LRB-4144.

The second option would not give a public defender more access but would reduce the fees for the records. The public defender would have to obtain the records through a written authorization. To s. 146.83 (1f) (cm) and (3f) (b) 4. and 5., language exempting the public defenders could be added such that the provision reads, for example, "4. If the requester is not the patient, a person authorized by the patient, **or an attorney appointed to represent the patient under s. 977.08**, a single \$8 charge."

Those two options seem the most straightforward, but there are probably more. Let me know if you have any questions.

Tamara J. Dodge

Attorney

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In: 10/17 Due: other

State of Wisconsin
2011 - 2012 LEGISLATURE

3 4

3

2011 BILL



3363/1

LRB-4144/1

FFK:med/jm

TJD

IST
RMNR

Thurs
(comb)

Regen
if that attorney has the patient's written informed consent

1 AN ACT to create 146.83 (1b) of the statutes; relating to: accessing and
2 obtaining patient health records. — by public defenders

Analysis by the Legislative Reference Bureau

Under current law, a patient or person authorized by the patient may, among other things, inspect the patient's health care records, obtain copies of the patient's health care records for a reduced fee if the patient is eligible for Medical Assistance, and obtain copies of the patient's health care records without paying a certification fee or a retrieval fee. This bill specifies that an attorney appointed by the State Public Defender to represent the patient is a person authorized by the patient for purposes of inspecting and obtaining copies of the patient's health care records.

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. 146.83 (1b) of the statutes is created to read:

Parisi, Lori

From: Hall, Steve
Sent: Monday, February 03, 2014 2:20 PM
To: LRB.Legal
Subject: Draft Review: LRB -3363/1 Topic: Fees to obtain medical records by public defenders

Please Jacket LRB -3363/1 for the ASSEMBLY.

Thanks.

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