

CR 92-220

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Gerald Whitburn, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to fees for copies of health care provider records were duly approved and adopted by this Department on August 3, 1993.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy 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 at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 3rd day of August, 1993.



SEAL:

Gerald Whitburn, Secretary
Department of Health and Social Services



10-1-93

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
CREATING RULES

To create HSS 117, relating to fees for copies of health care provider records.

Analysis Prepared by the Department of Health and Social Services

Section 908.03(6m)(d), Stats., as created by 1991 Wisconsin Act 269, requires the Department to prescribe by rule uniform fees for certified duplicate health care provider records pertaining to particular patients when those records are requested under s. 908.03(6m)(c)3, Stats., by attorneys who intend to offer them as evidence at a trial, or hearing. The statute allows health care providers to also charge for postage or other delivery costs.

The rules authorize a health care provider to charge a fee for duplicate records of a patient requested by an attorney, but they limit that fee in the case of paper records to either \$8.40 per request or 45 cents per record page up to the first 50 pages and 25 cents per page after the 50th page, whichever is the greater amount, and \$4.00 per X-ray copy. Postage is extra. The maximum charges per request and per page were taken from the practice of the Worker's Compensation Program, and on from data provided by the Wisconsin Health Information Management Association (WHIMA), formerly the Wisconsin Medical Records Association (WMRA). The maximum charge per X-ray copy is based on a survey of facilities that make copies of X-rays.

The Department's authority to create these rules is found in s.908.03(6m)(d), Stats., as created by 1991 Wisconsin Act 269. The rules interpret s. 908.03(6m)(c)3, Stats., as amended by 1991 Wisconsin Act 269, and s. 908.03(6m)(d), Stats., as created by 1991 Wisconsin Act 269.

SECTION 1. HSS 117 is created to read:

Chapter HSS 117

FEES FOR COPIES OF HEALTH CARE PROVIDER RECORDS

HSS 117.01	Authority and Purpose
HSS 117.02	Applicability
HSS 117.03	Definitions
HSS 117.04	Request for Duplicate Records
HSS 117.05	Fees for Duplicate Records

HSS 117.01 AUTHORITY AND PURPOSE. This chapter is promulgated under the authority of s. 908.03(6m)(d), Stats., to

establish uniform fees that are the maximum fees that may be charged for providing certified duplicate health care provider records requested by attorneys pursuant to s. 908.03(6m)(c)3, Stats.

HSS 117.02 APPLICABILITY. This chapter applies to all attorneys who request certified duplicate health care records under s. 908.03(6m)(c)3, Stats., and to all health care providers who supply those records.

HSS 117.03 DEFINITIONS. In this chapter:

(1) "Department" means the Wisconsin department of health and social services.

(2) "Health care provider" means a chiropractor licensed under ch. 446, Stats., a dentist licensed under ch. 447, Stats., or a health care provider as defined in s. 655.001(8), Stats.

(3) "Health care provider records" means all records related to the health of a patient prepared by or under the supervision of a health care provider.

HSS 117.04 REQUEST FOR DUPLICATE RECORDS. An attorney requesting duplicate health care provider records concerning a patient shall provide sufficient information about the patient to permit identification and location of the specific records. The request shall include:

(1) The correct name of the patient whose records are the subject of the attorney's request;

(2) The patient's social security number, if known;

(3) The patient's date of birth, if known;

(4) A description of the records requested; and

(5) The written informed consent of the patient or person authorized by the patient to give consent to release of the records, if required by law.

HSS 117.05 FEES FOR DUPLICATE RECORDS. A health care provider may charge an attorney no more than the following fees for supplying certified duplicate health care provider records pursuant to s. 908.03(6m)(c)3, Stats.:


(1) For records displayed on paper medium, the greater of the following:

- (a) \$8.40 per request; or
- (b) 45 cents per record page for the first 50 pages, and 25 cents per record page over 50 pages;
- (2) For X-rays, \$4.00 per X-ray copy; and
- (3) The actual costs of postage or other means of delivering the requested duplicate records to the attorney.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register, as provided in s. 227.22(2), Stats.

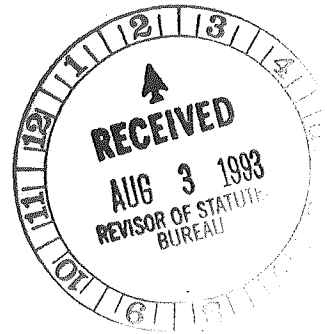
Wisconsin Department of Health
and Social Services

Dated: August 3, 1993

By: 

Gerald Whitburn
Secretary

SEAL:



Tommy G. Thompson
Governor
Gerald Whitburn
Secretary



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State of Wisconsin Department of Health and Social Services

August 3, 1993

Mr. Bruce E. Munson
Revisor of Statutes
131 W. Wilson St., Suite 800
Madison, WI 53703



Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 117, administrative rules relating to fees for copies of health care provider records.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald Whitburn".

Gerald Whitburn
Secretary

Enclosure