

1999 DRAFTING REQUEST

Bill

Received: **11/2/98**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **himself**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **DAK**

Pre Topic:

No specific pre topic given

Topic:

Social security numbers as medical identifiers

Instructions:

See Attached; see file from 97-1320

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>
/P1	yacketa 01/4/99 yacketa 02/16/99	gilfokm 01/6/99	j frantze 01/7/99	_____	lrb-docadmin 01/7/99		
/1	kahlepj 02/16/99	ptellez 02/16/99	lpaasch 02/16/99	_____	lrb-docadmin 02/16/99	lrb_docadminS&L 02/17/99	

FE Sent For:

3/16/99

<END>

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FE Sent For:		11 pgt 2/16/99	2-16 LP	2-16 LP JF			

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I?	yacketa	1/1 post 1/5/99 1/1-1-6-99 kmj					

Please Submit

FE Sent For:

<END>

FR

Marlin Schneider

LRB's: Last session's drafter

1290/1 MDK Prohibit use of social security number in telecommunications industry

1533/ KSH Ban use of SSN by credit bureaus

1320/ TAY Prohibit use of SSN as health care identifier

1291 JTK Prohibit access to SSN's in public records

1532/ KSH Ban businesses from using SSN's in credit applications

2672/1 JTK Information technology functions of DOA transferred to Joint Committee on Info Policy

~~2915/1 Criminal use of medical records~~

~~2916/1 Extortion using medical records~~

4889/1 JTK Privacy Impact Statements

5120/ PIDAK Immunization of persons against anthrax





PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{gen. cat.} relating to use of social security numbers as medical identifiers, ↑

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a later version.

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

2 SECTION 1. 146.83: f the statutes is created to read:

3 **146.833 Use of social security numbers prohibited.** A health care
4 provider may not assign to any patient an identification number that is identical to
5 or incorporates the patient's social security number. This section does not prohibit
6 the health care provider fr m requiring a patient to disclose his or her social security
7 number, or from using a patient's social security number if that use is required by
8 a federal or state agency in order for the patient to participate in a particular
9 program.

10 (END)

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0703/P1dn
TAY:pt:skmg

Representative Schneider:

Your instructions for this draft were very vague, so I am not at all certain that I've effected your intent. The language for the created section in this draft is cribbed from s. 36.11 (35). If it is not what you intended, please give me more specific instructions. It may be useful to include examples of the type of problem you are trying to address through this legislation. I would be happy to meet with you to discuss the draft if you would like.

That

Tina A. Yacker
Legislative Attorney
261-6927

10

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0703/P1dn
TAY:pgt&kmg:jf

January 7, 1999

Representative Schneider:

Your instructions for this draft were very vague, so I am not at all certain that I've effected your intent. The language for the created section in this draft is cribbed from s. 36.11 (35). If it is not what you intended, please give me more specific instructions. It may be useful to include examples of the type of problem that you are trying to address through this legislation. I would be happy to meet with you to discuss the draft if you would like.

Tina A. Yacker
Legislative Attorney
261-6927

12/8/99

- 0703

broader
~~change~~ health care provider
to incl
insurance CO's



State of Wisconsin
1999 - 2000 LEGISLATURE

+PJK
LRB-0703/PL / (1
TAY:pgt&kmj:jf
Pgt
r m i s r u n

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

1999 BILL

WFO = PLEASE
MAKE CHANGE
ON REQUEST
SHEET.

gen. cat.

1 AN ACT to create 146.833 of the statutes; **relating to:** use of social security
2 numbers as medical identifiers. → or health insurance

Analysis by the Legislative Reference Bureau

[insert anal]

→ This is a preliminary draft. An analysis will be provided in a later version.

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

3 SECTION 1. 146.833 of the statutes is created to read:

4 **146.833 Use of social security numbers prohibited.** A health care
5 provider may not assign to any patient an identification number that is identical to
6 or incorporates the patient's social security number. This section does not prohibit
7 the health care provider from requiring a patient to disclose his or her social security
8 number, or from using a patient's social security number if that use is required by
9 a federal or state agency in order for the patient to participate in a particular
10 program.

11

(END)

Insert 1-10

INSERTS
1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0703/P1ins
TAY.....

[insert anal]

This bill prohibits a health care provider or a health insurer from assigning to any patient or insured or enrollee an identification number that is identical to or that incorporates the patient's or the insured's or enrollee's social security number. However, under the bill, a health care provider or health insurer is not prohibited from requiring that the patient or insured or enrollee disclose his or her social security number or from using that number if a federal or state agency requires use of the number in order for the patient or insured or enrollee to participate in a particular program.

For further information see the **state and** local fiscal estimate, which will be printed as an appendix to this bill.

1999-2000 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0703/lins
TAY:pgt&kmg:jf

[INSERT 1-10]

SECTION 1. 610.75 of the statutes is created to read:

610.75 Use of social security numbers prohibited. (1) In this section, "health care plan" has the meaning given in s. 628.36 (2) (a) 1.

(2) An insurer that provides coverage under a health care plan may not assign to any insured or enrollee under the health care plan an identification number that is identical with or that incorporates the insured's or enrollee's social security number. This section does not prohibit such an insurer from requiring an insured or enrollee to disclose his or her social security number, or from using an insured's or enrollee's social security number if that use is required by a federal or state agency in order for the insured or enrollee to participate in a particular program.

SECTION 2. 632.725 (2) (d) of the statutes is amended to read:

632.725 (2) (d) ~~Establish~~ In conformity with the requirements under ss. 146.833 and 610.75, establish a uniform statewide patient identification system in which each individual who receives health care services in this state is assigned an identification number. The standardized billing format established under par. (a) and the standardized claim format established under par. (b) shall provide for the designation of an individual's patient identification number.

History: 1991 a. 250, 1995 a. 27 s. 9126 (19).

(END OF INSERT 1-10)

[end of inserts]

**SUBMITTAL
FORM**

**LEGISLATIVE REFERENCE BUREAU
Legal Section Telephone: 266-3561
5th Floor, 100 N. Hamilton Street**

The attached draft is submitted for your inspection. Please check each part carefully, proofread each word, and **sign** on the appropriate line(s) below.

Date: 2/16/99

To: Representative Schneider

Relating to LRB drafting number: LRB-0703

Topic

Social security numbers as medical identifiers

Subject(s)

Health - miscellaneous

1. **JACKET** the draft for introduction

MSJ

in the **Senate** ____ or **the Assembly** (check only one). Only the requester under whose name the drafting request is entered in the LRB's drafting records may authorize the draft to be submitted. Please allow one day for the preparation of the required copies.

2. **REDRAFT.** See the changes indicated or attached _____

A revised draft will be submitted for your approval with changes incorporated.

3. Obtain **FISCAL ESTIMATE NOW**, prior to introduction _____

If the analysis indicates that a fiscal estimate is required because the proposal makes an appropriation or increases or decreases existing appropriations or state or general local government fiscal liability or revenues, you have the option to request the fiscal estimate prior to introduction. If you choose to introduce the proposal without the fiscal estimate, the fiscal estimate will be requested automatically upon introduction. It takes about 10 days to obtain a fiscal estimate. Requesting the fiscal estimate prior to introduction retains your flexibility for possible redrafting of the proposal.

If you have any questions regarding the above procedures, please call 266-3561. If you have any questions relating to the attached draft, please feel free to call me.

Tina A. Yacker, Legislative Attorney
Telephone: (608) 261-6927