

1999 DRAFTING REQUEST

Bill

Received: 04/19/99

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Scott Walker (608) 266-9180

By/Representing: Ed Eberle (aide)

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Alt. Drafters:

Subject: Health - miscellaneous

Extra Copies: TAY

Pre Topic:

No specific pre topic given

Topic:

Health care provider to obtain patient's written consent prior to submitting claims information to DHFS

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>
/1	kenneda 04/20/99	jgeller 04/20/99	jfrantze 04/20/99	_____	lrb_docadmin 04/20/99	lrb_docadminS&L 05/27/99	

FE Sent For:

G 06-10-99

<END>

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/?	kenneda	1/4/20 JG	4/20	4/20			

FE Sent For:

<END>



Scott Walker

Wauwatosa's Representative in the Wisconsin State Assembly

Debara,

Please draft this amendment from last session as a separate bill for this session.

I realize there are probably many items before this, but if we could get it back as soon as possible it would be greatly appreciated.

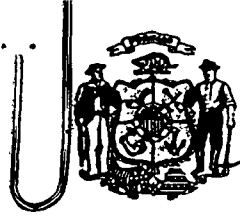
Thank you!

- Ed Clarke

I realize this is not much information so please call if need be 6-9181.

P.O. Box 8953, State Capitol, Madison, WI 53708-8953 • (608) 266-9180
 Message Hotline: 800-362-WISC (9472)
 2334 N. 73rd Street, Wauwatosa, WI 53213 • (414) 258-1086

Printed on recycled paper with soy based ink.



ASSEMBLY AMENDMENT,
TO 1997 SENATE BILL 315

1 At the locations indicated, amend the bill, as shown by senate substitute
2 amendment 2, as follows:

3 1. Page 13, line 10: after the period insert "Before a health care provider
4 submits to the department under s. 153.05 (1), (5) or (8) claims information that
5 identifies a patient, the health care provider shall obtain the written consent of the
6 patient to the release of this information.".

7 (END)

*Amends 1995 version of s. 153.50; in 1997 SB 315,
as enacted, s. 153.50 was repealed and recreated
(Assembly Amendment 28)*

From Ed Eberle

Wanted 4/23



JG

1999 BILL

gen cat

1 AN ACT ...; **relating to:** requiring written consent of patients before submittal of
2 certain information to the [✓]department of health and family services.

Analysis by the Legislative Reference Bureau

Under current law, the department of health and family services [✓](DHFS) is authorized to collect, analyze and disseminate health care information, as adjusted for case mix and severity, in order to provide information concerning health care providers and uncompensated health care services and to provide information to assist in peer review for the purpose of quality assurance. DHFS is also authorized to require health care providers to submit a uniform data set of health care information for the preparation of reports, plans and recommendations. Lastly, DHFS is required to collect claims information and other health care information. Data may be obtained through sampling techniques in lieu of collection of data on all patient encounters; data collection procedures must minimize unnecessary duplication and administrative burdens. DHFS may waive an information requirement of a health care provider upon request and under evidence that the requirement is burdensome. [✓]Patient-identifiable data received by DHFS is not subject to open records laws. DHFS must remove and destroy certain information on uniform patient billing forms received, including patients' names and street addresses. Other patient-identifiable data may be released by DHFS under specified procedures to the patient or a person granted permission by the patient; to a health care provider, to ensure accuracy of the information; to DHFS itself for storage and to check accuracy; or to DHFS or an entity required by federal or state laws, for epidemiological investigation or to eliminate the need for duplicative data.

BILL

DHFS may not require a health care provider submitting health care information to include the patient's name, street address or social security number.

This bill requires that a health care provider, before submitting to DHFS required claims information, obtain the written consent of the patient to the release of this information.

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:

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

2 153.05 (1) In order to provide to hospitals, health care providers, insurers,
3 consumers, governmental agencies and others information concerning health care
4 providers and uncompensated health care services, and in order to provide
5 information to assist in peer review for the purpose of quality assurance, the
6 department shall collect, analyze and disseminate health care information, as
7 adjusted for case mix and severity, in language that is understandable to lay persons.
8 Before a health care provider submits claims information under this subsection, the
9 health care provider shall obtain the written consent of the patient to the release of
10 this information.

11 History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231.

12 **SECTION 2.** 153.05 (5) of the statutes is amended to read:

13 153.05 (5) Unless sub. (13) applies, the department may require health care
14 providers to submit to the department information specified by rule under s. 153.75
15 (1) (n) for the preparation of reports, plans and recommendations in the form
16 specified by the department by rule. Before a health care provider submits claims
17 information under this subsection, the health care provider shall obtain the written
 consent of the patient to the release of this information.

18 History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231.

SECTION 3. 153.05 (8) of the statutes is amended to read:

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**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: 4/20/99

To: Representative Walker

Relating to LRB drafting number: LRB-2940

Topic

Health care provider to obtain patient's written consent prior to submitting claims information to DHFS

Subject(s)

Health - miscellaneous

1. **JACKET** the draft for introduction Walker
in the **Senate** _____ or the **Assembly** (check only one). Only the request 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.

RUSH

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.

Debora A. Kennedy, Managing Attorney
Telephone: (608) 266-0137

FROM
HOLLY



STEPHEN R. MILLER
CHIEF

State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
P. O. BOX 2037
MADISON, WI 53701-2037

LEGAL SECTION (608) 266-3561
LEGAL FAX (608) 264-8522
REFERENCE SECTION (608) 266-0341
REFERENCE FAX (608) 266-5648

FISCAL ESTIMATES

BILL NUMBER:
ASSEMBLY BILL 371

Note: The analysis of this bill states that a fiscal estimate was required for this bill. A request was made through the department of administration to have a fiscal estimate prepared. The agency(s) assigned to prepare a fiscal estimate for this bill did not return an estimate for this bill so none are included in this file.