

## 1999 SENATE BILL 195

June 15, 1999 – Introduced by Senators DECKER, BURKE, ROBSON, MOEN, PLACHE, BAUMGART, ERPENBACH, SCHULTZ, HUELSMAN, WIRCH, RUDE, GEORGE and PANZER, cosponsored by Representatives STASKUNAS, HEBL, COLON, BOYLE, LA FAVE, POCAN, MUSSER, REYNOLDS, HUBER, PLOUFF, GRONEMUS, KREUSER, CULLEN, URBAN, BOCK, WASSERMAN, J. LEHMAN, ZIEGELBAUER, F. LASEE, M. LEHMAN, VRAKAS, SERATTI, GROTHMAN, WAUKAU and ALBERS. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1     **AN ACT** *to amend* 146.83 (1) (b) and 908.03 (6m) (d); and *to create* 146.83 (3m)  
 2             of the statutes; **relating to:** uniform fees chargeable for certified duplicate  
 3             health care records and granting rule-making authority.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, the department of health and family services (DHFS) must, by rule, prescribe uniform fees that a health care provider may charge attorneys to obtain certified duplicate health care records that are subject to subpoena. (Health care providers affected by this law are chiropractors, dentists and physician assistants, nonpublic physicians, nurse anesthetists, massage therapists and bodyworkers and certain nonpublic facilities, associations or corporations.) The uniform fees are required to be based on an approximation of the actual costs but also permit the health care provider to charge for postage or other delivery costs. Currently, rules of DHFS permit a health care provider to charge attorneys the greater of \$8.40 per request or 45 cents per record page for the first 50 pages and 25 cents per record page for the remaining pages, \$4 for each X-ray copy and the actual costs of postage or other means of delivery of the records.

Under current law relating to patient health care records, patients or other persons may receive a copy of the patient's health care record upon submitting a statement of informed consent for the release and upon payment of reasonable costs.

This bill limits, to the uniform fee amounts prescribed by DHFS by rule, the amounts of fees that a health care provider may charge for supplying certified duplicate patient health care records. The bill requires that DHFS also specify, by

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rule, that a health care provider may charge fees for actual postage or other actual delivery costs. Under the bill, the filing of an action may not be used as a requirement for the application of the uniform fees.

The bill changes the patient health care records laws to authorize a patient or other person to receive a copy of the patient's health care records, whether certified or not, upon submittal of a statement of informed consent and payment of an approximation of actual costs. "Approximation of actual costs" is defined to mean, at a maximum, the fee amounts that are prescribed by rule by DHFS. Further, the bill limits to 25% of the approximation of actual costs the amount that a health care provider may collect as payment if the health care provider provides a copy of the patient health care record after 30 days after receipt of a statement of informed consent.

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

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

1           **SECTION 1.** 146.83 (1) (b) of the statutes is amended to read:

2           146.83 **(1)** (b) Receive a copy of the patient's health care records, whether  
3 certified or not, upon payment of ~~reasonable~~ an approximation of actual costs. In this  
4 paragraph, "approximation of actual costs" means, at a maximum, the fees that are  
5 prescribed by the department by rule under s. 908.03 (6m) (d).

6           **SECTION 2.** 146.83 (3m) of the statutes is created to read:

7           146.83 **(3m)** If a health care provider provides a copy of a patient health care  
8 record after 30 days after receipt of a statement of informed consent for the release  
9 of the copy, the health care provider, notwithstanding sub. (1) (b) and s. 908.03 (6m)  
10 (d), may collect as payment no more than 25% of the approximation of actual costs,  
11 as specified under sub. (1) (b).

12           **SECTION 3.** 908.03 (6m) (d) of the statutes is amended to read:

13           908.03 **(6m)** (d) *Fees.* The department of health and family services shall, by  
14 rule, prescribe uniform fees that are based on an approximation of ~~the~~ actual costs

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1 that are incurred by a health care provider in providing certified duplicate patient  
2 health care records. The fees are the maximum amount that a health care provider  
3 may charge ~~under par. (c) 3.~~ for certified duplicate patient health care records. The  
4 rule shall also ~~allow~~ specify that the health care provider ~~to~~ may charge fees for  
5 actual postage or other actual delivery costs. The commencement of an action is not  
6 a prerequisite for the application of this paragraph.

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(END)