

**SENATE SUBSTITUTE AMENDMENT 1,
TO 1999 SENATE BILL 195**

October 26, 1999 – Offered by COMMITTEE ON HEALTH, UTILITIES, VETERANS AND
MILITARY AFFAIRS.

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

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

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

6 146.83 (1) (b) Receive After March 31, 2001, receive a copy of the patient's
7 health care records upon payment of reasonable costs fees, as established by rule
8 under sub. (3m).

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

10 146.83 (3m) The department shall, by rule, prescribe fees that are based on an
11 approximation of actual costs. The fees, plus applicable state tax, are the maximum

1 amount that a health care provider may charge under sub. (1) (b) for duplicate
2 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
3 referral of X-rays to another health care provider of the patient's choice. The rule
4 shall also permit the health care provider to charge for actual postage or other actual
5 delivery costs.

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

7 908.03 **(6m)** (d) *Fees.* The Before April 1, 2001, the department of health and
8 family services shall, by rule, prescribe uniform fees that are based on an
9 approximation of the actual costs. The fees, plus applicable state tax, are the
10 maximum amount that a health care provider may charge under ~~par. (c) 3.~~ for
11 certified duplicate patient health care records. The rule shall also allow the health
12 care provider to charge for actual postage or other actual delivery costs. The
13 commencement of an action is not a prerequisite for the application of this
14 paragraph.

15 **SECTION 4.** 908.03 (6m) (d) of the statutes, as affected by 1999 Wisconsin Act
16 (this act), is amended to read:

17 908.03 **(6m)** (d) *Fees.* ~~Before April 1, 2001~~ After March 31, 2001, the
18 department of health and family services shall, by rule, prescribe uniform fees that
19 are based on an approximation of actual costs. The fees, plus applicable state tax,
20 are the maximum amount that a health care provider may charge for certified
21 duplicate patient health care records. The rule shall also allow the health care
22 provider to charge for actual postage or other actual delivery costs. ~~The~~
23 ~~commencement of an action is not a prerequisite for the application of this paragraph~~
24 For duplicate patient health care records and duplicate X-ray reports or the referral

1 of X-rays to another health care provider that are requested prior to commencement
2 of an action, s. 146.83 (1) (b) and (c) and (3m) applies.

3 **SECTION 5. Nonstatutory provisions.**

4 (1) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The department of health and
5 family services shall submit in proposed form the rules required under section 146.83
6 (3m) of the statutes, as created by this act, to the legislative council staff under
7 section 227.15 (1) of the statutes no later than the first day of the 5th month
8 beginning after the effective date of this subsection.

9 **SECTION 6. Effective dates.** This act takes effect on the day after publication,
10 except as follows:

11 (1) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of section
12 908.03 (6m) (d) (by SECTION 4) of the statutes takes effect on April 1, 2001.

13 (END)