

1999 DRAFTING REQUEST

Senate Substitute Amendment (SSA-SB195)

Received: **10/14/1999**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Brian Rude (608) 266-5490**

By/Representing: **Janet Swandby**

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

Drafter: **kenneda**

May Contact:

Alt. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **TAY, RPN, MES**

Pre Topic:

No specific pre topic given

Topic:

Fee structure for fees chargeable for duplicate health care records

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 10/14/1999	chanaman 10/15/1999	mclark 10/15/1999	_____	lrb_docadmin 10/15/1999	lrb_docadmin 10/15/1999	
/2	kenneda 10/19/1999	chanaman 10/19/1999	jfrantze 10/19/1999	_____	lrb_docadmin 10/19/1999	lrb_docadmin 10/19/1999	

FE Sent For:

<END>

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FE Sent For:

cmH
10/19
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<END>

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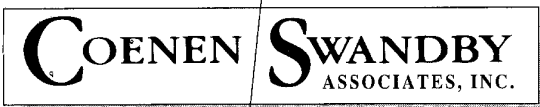
Fee structure for fees chargeable for duplicate health care records

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FE Sent For:				<END>			



GOVERNMENT RELATIONS & ASSOCIATION MANAGEMENT

**Proposal for an Amendment to SB 195
(Senator Decker's Medical Records Copying Fee Cap)**

The Wisconsin members of AHIOS propose an alternative fee structure for the release of patient information (also referred to as "copying of medical records"):

\$25 Search Fee for all Requests
Plus a per page charge as follows:

Page 1 - 10	\$1.00/page
Page 11 - 100	50 cents/page
Page 101+	25 cents/page
Conversion from film	\$1.25/page

Plus actual shipping costs and sales taxes.

All charges would be adjusted annually using the Consumer Price Index (CPI).

Questions for Janet Swandby:

① Does the fee structure apply to X-ray reports?

\$10 per X-ray

② Is there a differentiation between certified/
uncertified records?

Use current rule for certified (908.03), plus draft that any request for a certified copy must show that a court case has been assigned.

③ Does the fee structure apply to health care providers under 146.83 (1m) (b)? - No

④ How will health care providers know what the CPI % change is? - DHFS to determine + publish? Costs? By rule?

→ Send to all health care providers?

Admin register - Annually



FRIDAY - noon
 State of Wisconsin
 1999 - 2000 LEGISLATURE
 D-NOTE

LRBs0145/1
 DAK.....
 CMY

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

1 **AN ACT** ^{gen cat.} **relating to:** certified duplicate health care records and uniform fees
 2 chargeable for copies of patient health care records and health care provider
 3 X-ray reports.

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

4 **SECTION 1.** 146.83 (1) (b) of the statutes is amended to read:
 5 146.83 (1) (b) Receive a copy of the patient's health care records upon payment
 6 of reasonable ~~costs~~ fees specified under sub. (1r).

History: 1979 c. 221; 1989 a. 56; 1993 a. 27, 445; 1997 a. 157.

7 **SECTION 2.** 146.83 (1) (c) of the statutes is amended to read:
 8 146.83 (1) (c) Receive a copy of the health care provider's X-ray reports upon
 9 payment of the fee specified under sub. (1r) or have the X-rays referred to another
 10 health care provider of the patient's choice ~~upon payment of reasonable costs.~~

History: 1979 c. 221; 1989 a. 56; 1993 a. 27, 445; 1997 a. 157.

11 **SECTION 3.** 146.83 (1r) of the statutes is created to read:

1 146.83 (1r) (a) Subject to par. (c), a health care provider may charge all of the
2 following fees for the provision under sub. (1) (b) of a copy of a patient's health care
3 records:

4 1. For each request, a search fee of \$25.

5 2. For each request for patient health care records that are recorded on paper,
6 the following:

7 a. For the first 10 pages, \$1 per page.

8 b. For the first 11 to 100 pages, 50 cents per page.

9 c. For pages that exceed the first 100 pages, 25 cents per page.

10 3. For each request for patient health care records that requires generation
11 from a microfilm reproduction of an original record or from an original record stored
12 in optical disc or electronic format, \$1.25 per page.

13 4. Actual shipping costs.

14 (b) Subject to par. (c), a health care provider may charge \$10 per X-ray report
15 for the provision under sub. (1) (c) of a copy of the health care provider's X-ray
16 reports.

← stat. (no change)

17 (c) For years beginning after 2000, all fees specified under par. (a) 1. to 3. and
18 par. (b) increase annually by a percentage equal to the percentage change between
19 the U. S. consumer price index for all urban consumers, U. S. city average, for the
20 month of August of the previous year and the U. S. consumer price index for all urban
21 consumers, U. S. city average, for the month of August of the year before the previous
22 year, as determined by the federal department of labor. Beginning in 2001, the
23 department of health and family services shall annually publish this percentage
24 change and any resulting increases to the fees specified under pars. (a) 1. to 3. and
25 (b) in the Wisconsin administrative register.

1 **SECTION 4.** 908.03 (6^m) (cm) of the statutes is created to read:

2 908.03 (6^m) (cm) *Case number and title required.* Any request to a health care
3 provider for certified duplicate health care records under this subsection shall
4 include the title and case number of the action for which the health care records are
5 pertinent.

6 [✓]
(END)

[✓]
D-NOTE

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

LRBs0145/1dn
DAK.....

cm1

JATC

applies

To Senator Rude:

I would suggest that Janet Swandby, who provided me with instructions for this substitute amendment, be given an opportunity to review the language, which differs in some respects from her proposal. The following are some specific differences:

1. In s. 146.83 (1r) (a) ³ I added generation of a copy of an original health care record stored in optical disc or electronic format. ←

2. I eliminated mention of applicable sales tax from s. 146.83 (1r) (a); according to Marc Shovers, the tax drafter, the tax simply applies and must be included in the total of the health care provider's charges, just as it is for charges for any item subject to the tax. ←

3. In s. 146.83 (1r) (b), after consulting with Marc Shovers, I used language similar to that currently in s. 71.05 (22) (ds), stats.

4. I consulted with Robert Nelson, the drafter for courts and procedures, concerning the appropriate wording for s. 908.03 (6m) (cm); he suggested use of the title and case number of the action, rather than "assignment" of a case, since "assignment" of a case can refer to one of several actions (e.g., assignment of jurisdiction, assignment of a judge, etc.) that may take place with respect to a case.

Please let me know if I may give you further help with this substitute amendment.

Debra A. Kennedy
Managing Attorney
Phone: (608) 266-0137

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

LRBs0145/1dn
DAK:cmh:mrc

October 15, 1999

To Senator Rude:

I would suggest that Janet Swandby, who provided me with instructions for this substitute amendment, be given an opportunity to review the language, which differs in some respects from her proposal. The following are some specific differences:

1. In s. 146.83 (1r) (a) 3., I added generation of a copy of an original health care record stored in optical disc or electronic format.

2. I eliminated mention of applicable sales tax from s. 146.83 (1r) (a); according to Marc Shovers, the tax drafter, the tax simply applies and must be included in the total of the health care provider's charges, just as it is for charges for any item subject to the tax.

3. In s. 146.83 (1r) (b), after consulting with Marc Shovers, I used language similar to that currently in s. 71.05 (22) (ds), stats.

4. I consulted with Robert Nelson, the drafter for courts and procedures, concerning the appropriate wording for s. 908.03 (6m) (cm); he suggested use of the title and case number of the action, rather than "assignment" of a case, since "assignment" of a case can refer to one of several actions (e.g., assignment of jurisdiction, assignment of a judge, etc.) that may take place with respect to a case.

Please let me know if I may give you further help with this substitute amendment.

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

30145

10/18 From Janet Swandby:

Change X-ray reports to X-rays

10/19 ok - Laurie Dietz (Rude's office)

NOON, if possible 10/19

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

1 **AN ACT to amend** 146.83 (1) (b) and 146.83 (1) (c); and **to create** 146.83 (1r) and
2 908.03 (6m) (cm) of the statutes; **relating to:** certified duplicate health care
3 records and uniform fees chargeable for copies of patient health care records
4 and health care provider X^{ray} ~~reports~~.

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 a copy of the patient's health care records upon payment
7 of reasonable costs fees specified under sub. (1r).

8 **SECTION 2.** 146.83 (1) (c) of the statutes is amended to read:

9 146.83 (1) (c) Receive a copy of the health care provider's X-ray reports upon
10 payment of the fee specified under sub. (1r) or have the X-rays referred to another
11 health care provider of the patient's choice upon payment of reasonable costs.

12 **SECTION 3.** 146.83 (1r) of the statutes is created to read:

X^{ray} rays
= Δ

X^{ray} rays
= Δ

1 146.83 (1r) (a) Subject to par. (c), a health care provider may charge all of the
2 following fees for the provision under sub. (1) (b) of a copy of a patient's health care
3 records:

4 1. For each request, a search fee of \$25.

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14 (b) Subject to par. (c), a health care provider may charge \$10 per X-ray ~~report~~
15 for the provision under sub. (1) (c) of a copy of the health care provider's X-ray ~~report~~

16 ~~report~~

17 (c) For years beginning after 2000, all fees specified under pars. (a) 1. to 3. and
18 (b) increase annually by a percentage equal to the percentage change between the
19 U.S. consumer price index for all urban consumers, U.S. city average, for the month
20 of August of the previous year and the U.S. consumer price index for all urban
21 consumers, U.S. city average, for the month of August of the year before the previous
22 year, as determined by the federal department of labor. Beginning in 2001, the
23 department of health and family services shall annually publish this percentage
24 change and any resulting increases to the fees specified under pars. (a) 1. to 3. and
25 (b) in the Wisconsin Administrative Register.

