

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

March 2, 2000 – Offered by COMMITTEE ON INSURANCE.

1 **AN ACT to amend** 146.83 (1) (b), 146.83 (1) (c), 908.03 (6m) (d) and 908.03 (6m)
2 (d); and **to create** 146.83 (3m) of the statutes; **relating to:** uniform fees
3 chargeable for certified duplicate health care records and X-ray reports and
4 referral of X-rays 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 June 30, 2001, receive a copy of the patient's health
7 care records upon payment of reasonable costs ~~fees, as established by rule under sub.~~
8 (3m).

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

10 146.83 (1) (c) ~~Receive~~ After June 30, 2001, receive a copy of the health care
11 provider's X-ray reports or have the X-rays referred to another health care provider

1 of the patient's choice upon payment of reasonable costs fees, as established by rule
2 under sub. (3m).

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

4 146.83 **(3m)** The department shall, by rule, prescribe fees that are based on an
5 approximation of actual costs. The fees, plus applicable state tax, are the maximum
6 amount that a health care provider may charge under sub. (1) (b) for duplicate
7 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
8 referral of X-rays to another health care provider of the patient's choice. The rule
9 shall also permit the health care provider to charge for actual postage or other actual
10 delivery costs and late payment or nonpayment of the fees and charges. The
11 department shall revise the rules at least once every 3 years to reflect actual costs.

12 **SECTION 4.** 908.03 (6m) (d) of the statutes is amended to read:

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

21 **SECTION 5.** 908.03 (6m) (d) of the statutes, as affected by 1999 Wisconsin Act
22 (this act), is amended to read:

23 908.03 **(6m)** (d) *Fees.* ~~Before July 1, 2001~~ After June 30, 2001, the department
24 of health and family services shall, by rule, prescribe uniform fees that are based on
25 an approximation of actual costs. The fees, plus applicable state tax, are the

1 maximum amount that a health care provider may charge for certified duplicate
2 patient health care records. The rule shall also allow the health care provider to
3 charge for actual postage or other actual delivery costs. ~~The commencement of an~~
4 ~~action is not a prerequisite for the application of this paragraph and late payment~~
5 or nonpayment of the fees and charges. The department shall revise the rules at least
6 once every 3 years to reflect actual costs. For duplicate patient health care records
7 and duplicate X-ray reports or the referral of X-rays to another health care provider
8 that are requested prior to commencement of an action, s. 146.83 (1) (b) and (c) and
9 (3m) applies.

10 **SECTION 6. Nonstatutory provisions.**

11 (1) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The department of health and
12 family services shall submit in proposed form the rules required under section 146.83
13 (3m) of the statutes, as created by this act, to the legislative council staff under
14 section 227.15 (1) of the statutes no later than the first day of the 5th month
15 beginning after the effective date of this subsection.

16 **SECTION 7. Effective dates.** This act takes effect on the day after publication,
17 except as follows:

18 (1) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of section
19 908.03 (6m) (d) (by SECTION 5) of the statutes takes effect on July 1, 2001.

20 (END)