



State of Wisconsin
Department of Health and Family Services

CR-00-095

Tommy G. Thompson, Governor
Joe Lecaen, Secretary

October 9, 2000

The Honorable Rodney C. Moen
Chair, Senate Committee on Healthy
Utilities, Veterans & Military Affairs
Wisconsin State Senate
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Moen:

I am forwarding a modified version of Clearinghouse Rule 00-095, relating to the collection, analysis and dissemination of health care information. The changes have been made at the request of members of the Wisconsin Legislature and interested parties.

The changes include modifications in language on risk adjustment, data submission/error correction timetable, data rerelease, patient-identifiable data and the role of the Independent Review Board. Specifically these changes include:

Data Rerelease: Add

HFS 120.30 (2) (c) An entity specified under s. 153.50 (4) having access to data elements considered patient-identifiable may not rerelease these data elements.

And at:

HFS 120.30 (3) (g) An entity specified under s. 153.50 (4) having access to data elements considered patient-identifiable may not rerelease these data elements.

Risk Adjustment: Add

HFS 120.14 (1) (d) The department shall publish in all public reports of the outpatient data the factors used in risk adjustment or the questions and analysis criteria posed to a vendor utilizing proprietary software for a risk adjustment tool. The department shall seek the expertise of technical advisory panels that include physician members, in the regular review of risk adjustment methods and tools. The department shall at least annually report to the Board on Health Care Information on the evaluation of risk adjustment tools and the state-of-the-art.

Patient-Identifiable Data: Modify

120.30 (1) NONRELEASE OF PATIENT-IDENTIFIABLE DATA. The department may not release or provide access to patient-identifiable data, except as provided in sub. (3). The department shall protect the identity of a patient by all necessary means, including the use of calculated, masked or aggregated variables.

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120.30 (4) DATA ELEMENTS CONSIDERED PATIENT-IDENTIFIABLE (b) For information submitted by health care providers who are not hospitals or ambulatory surgery centers, patient identifiable data means all of the following elements:

Patient-Identifiable Data: Modify

Cross Reference this section to Wis. Statute 153.50 (4)

Add:

120.30 (3) (e) Of information submitted by health care providers that are not hospitals or ambulatory surgery centers, patient-identifiable data that contain a patient's date of birth may be released to an entity specified under s. 153.50 (4) (a) Stats., upon request and a demonstrated need for the date of birth.

Independent Review Board: Modify

120.31 (4) (a) 1. Release custom-designed reports, including those that identify individual health care providers, from the hospital and free-standing ambulatory surgery databases. If the department receives a request for release of data from a provider other than a hospital or FASC in the development of a custom designed report, the department shall seek approval for the release of the data from the independent review board unless similar requests have been previously authorized by the IRB under sub. (2) (c) or unless the data is contained in a public use data file.

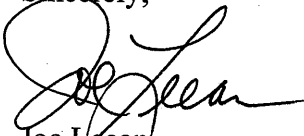
Data Submission/Error Correction Timetable: Modify

To modify timelines into a three-stage process of 30-15-15 days or a total of 60 days to finalize approved data submission. The pending zone pre-submission stage is 30 days and the second review is 15 days and the final review and sign off period is 15 days.

(Note: There are numerous areas of the rule that will reflect these submission/error correction timetable changes. In addition, some references will be changes from working to calendar days to reflect the 60-calendar-day production.)

The Board on Health Care Information at its October 3, 2000, meeting approved all of the changes. If you have any questions regarding these changes, please contact me. Thank you for your efforts in getting these rules complete.

Sincerely,



Joe Lekan
Secretary

Enclosure