

2001 Jr2 DRAFTING REQUEST

Senate Amendment (SA-SSA1-AB1)

Received: **06/24/2002**

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-5347**

By/Representing: **Jakel**

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

Drafter: **kenneda**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Jakel -

Topic:

Uniform fees for patient 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>
/?	kenneda 06/25/2002	kfollet 06/25/2002		_____			
/1			rschluet 06/25/2002	_____	lrb_docadmin 06/25/2002		

FE Sent For:

<END>

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/?	kenneda	1/16/25 jld					
		1/16/25 kjl					

6-25-02

FE Sent For:

<END>

14. UNIFORM FEES FOR CERTAIN HEALTH CARE RECORDS

Assembly: Maintain current law.

b2940
Senate: Incorporate the provisions of Senate Bill 71 (as modified to reflect a date change), which would require DHFS to promulgate rules to prescribe uniform fees health care providers could charge for duplicate patient health care records and x-ray reports, or referral of x-rays to another health care provider of the patient's choice, that are based on an approximation of the actual costs. Require the rules to also permit the health care provider to charge for actual postage or other actual delivery costs.

Require DHFS to submit the proposed rules to the Legislative Council no later than the first day of the fifth month after the effective date of the bill. Specify that, beginning January 1, 2003, the fees established by rule, plus applicable state tax, would be the maximum amount that a health care provider could charge for those records.

Specify that the same fees would apply to health care records of certain health care providers that have been subpoenaed, whether or not a court action has commenced. Provide that, for subpoenaed health care records requested before January 1, 2003, the current fees set by DHFS rule, plus applicable state taxes, would be the maximum amount a health care provider could charge for copies of those records. A court action would not have to be commenced in order for the maximum fee amount to apply.

Under current law, health care providers may charge reasonable costs for providing copies of a patient's health care record, x-ray report, or referral of an x-ray to another health care provider to a patient. For subpoenaed health care records, DHFS sets the fees for copies of those records by rule, based on the approximate cost of providing a copy of the record. The rule must allow providers to charge postage or other delivery costs.

15. MULTIPLE SCLEROSIS EDUCATION

Assembly: Maintain current law.

b2953
Senate: Require DHFS, as part of the well-woman program, to conduct a multiple sclerosis education program to raise public awareness concerning the causes and nature of multiple sclerosis and options for diagnosing and treating multiple sclerosis.

16. LIMITATIONS ON HEALTH FACILITY CONSTRUCTION AND EXPANSION

Assembly: Maintain current law.



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

→ attorneys

→ cmh

Agreed Items

June 21, 2002

TO: Senator Charles Chvala
Room 211 South, State Capitol

FROM: Bob Lang, Director

SUBJECT: Budget Proposal on 17 Items

At your request, I have prepared the attached document which identifies your proposal on 17 items of SS AB 1.

BL/sas
Attachment

Senate Proposal of June 21, 2002

		<u>Senate Proposal (June 21)</u>	<u>Chg. to Jt. Finance</u>
			<u>Amount</u> <u>Fund</u>
EDUCATION			
Public Instruction (pg. 11)			
3.	Special Education Aids	Assembly (Current Law)	
4.	MPS Enhanced Capacity and Quality Aid	Assembly (Current Law)	
6.	Milwaukee Parental Choice Program Funding	Assembly (Current Law)	
7.	Milwaukee Parental Choice Program and Charter Schools -- Nondiscrimination, Standards, and Assessments	Assembly (Current Law)	
8.	Open Enrollment -- Requirement for Teacher in the Same Room	Senate modified to specify that the proposed two-year requirement for a teacher in the same room would not apply to a pilot program in the Appleton School District that could enroll up to 500 pupils who reside in Winnebago, Calumet or Outagamie Counties. Require the Appleton School District to report annually on the status and activities of pupils enrolled under this provision.	

GENERAL GOVERNMENT

Employment Relations Commission (pg. 56)

- Out
set
aside
- | | | |
|----|---|--------|
| 3. | Teacher Preparation Time as a Mandatory Subject of Bargaining | Senate |
|----|---|--------|

HEALTH AND FAMILY SERVICES AND INSURANCE

Health and Family Services (p. 79)

- | | | |
|-----|--|--|
| 12. | Ambulance Staffing Requirements | Senate modified to specify that rules that would apply to ambulance service providers that provided services before January 1, 2000, could allow for staffing with one EMT during an emergency if there is an agreement for sharing emergency services in place between a town, village, city and another town, village or city. |
| 14. | Uniform Fees for Certain Health Care Records | Senate modified to incorporate the provisions included in 2001 Enrolled Senate Bill 55 relating to this item, which were vetoed by the Governor. |

Kennedy, Debora

From: Jakel, Carri
Sent: Friday, June 21, 2002 2:27 PM
To: Kennedy, Debora
Subject: Uniform Fees

As you probably already know.

They did agree on the Senate proposal to include the language that was in SB 51^{SS} and vetoed by the Gov. But I guess they are going to leave the date at January, 2003, instead of changing it to July 1, 2004 - even though it doesn't work with the 10 months that DHFS has to submit the rules....

Also they agreed upon the ambulance staffing with the amendment that I faxed yesterday.

AND we have seen the last of CON...for now:)

SOON - In edit 6/26

2001 - 2002 LEGISLATURE

3077/1
LRBb2030/1
DAK:jk&mdz.pg

Handwritten initials/signature

LFB:.....Jakel - Uniform fees for ~~certified~~ patient health care records

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

SENATE AMENDMENT

TO SENATE SUBSTITUTE AMENDMENT 1,

Assembly
TO 2001 ~~SENATE~~ BILL ~~55~~

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At the locations indicated, amend the substitute amendment as follows:

1. Page ~~946~~, line ~~13~~: after that line insert: 336f ✓

"SECTION ~~2850b~~. 146.83 (1) (b) of the statutes is amended to read:

146.83 (1) (b) Receive a copy of the patient's health care records upon payment of reasonable costs fees, as established by rule under sub. (3m). 336g ✓

SECTION ~~2850b~~. 146.83 (1) (c) of the statutes is amended to read:

146.83 (1) (c) Receive a copy of the health care provider's X-ray reports or have the X-rays referred to another health care provider of the patient's choice upon payment of reasonable costs fees, as established by rule under sub. (3m).

SECTION ~~2850b~~. 146.83 (3m) of the statutes is created to read:

336h

1 146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on
 2 an approximation of actual costs. The fees, plus applicable tax, are the maximum
 3 amount that a health care provider may charge under sub. (1) (b) for duplicate
 4 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
 5 referral of X-rays to another health care provider of the patient's choice. The rule
 6 shall also permit the health care provider to charge for actual postage or other actual
 7 delivery costs. In determining the approximation of actual costs for the purposes of
 8 this subsection, the department may consider all of the following factors:

- 9 1. Operating expenses, such as wages, rent, utilities, and duplication
 10 equipment and supplies.
- 11 2. The varying cost of retrieval of records, based on the different media on which
 12 the records are maintained.
- 13 3. The cost of separating requested patient health care records from those that
 14 are not requested.
- 15 4. The cost of duplicating requested patient health care records.
- 16 5. The impact on costs of advances in technology.

17 (b) By January 1, 2006, and every 3 years thereafter, the department shall
 18 revise the rules under par. (a) to account for increases or decreases in actual costs.”.

19 2. Page ~~1219~~²²⁵, line ~~15~~³: after that line insert:

20 “SECTION ~~3872A~~^{523P}. 908.03 (6m) (d) of the statutes is amended to read:

21 908.03 (6m) (d) Fees. The Before January 1, 2003, the department of health
 22 and family services shall, by rule, prescribe uniform fees that are based on an
 23 approximation of the actual costs. The fees, plus applicable tax, are the maximum
 24 amount that a health care provider may charge under par. (c) 3. for certified duplicate

1 patient health care records. The rule shall also allow the health care provider to
2 charge for actual postage or other actual delivery costs. The commencement of an
3 action is not a prerequisite for the application of this paragraph.

4 SECTION ~~3872y~~ 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin
5 Act ... (this act), is amended to read: 523g

6 908.03 (6m) (d) Fees. ~~Before January 1, 2003~~ After December 31, 2002, the
7 department of health and family services shall, by rule, prescribe uniform fees that
8 are based on an approximation of actual costs. The fees, plus applicable tax, are the
9 maximum amount that a health care provider may charge for certified duplicate
10 patient health care records. The rule shall also allow the health care provider to
11 charge for actual postage or other actual delivery costs. ~~The commencement of an~~
12 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient
13 health care records and duplicate X-ray reports or the referral of X-rays to another
14 health care provider that are requested before commencement of an action, s. 146.83
15 (1) (b) and (c) and (3m) applies." 358

16 3. Page ~~1338~~, line ~~20~~: after that line insert: 15

17 (1g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. 49

18 (a) The department of health and family services shall submit in proposed form
19 the rules required under section 146.83 (3m) of the statutes, as created by this act,
20 to the legislative council staff under section 227.15 (1) of the statutes no later than
21 the first day of the 10th month beginning after the effective date of this subsection.

22 (b) To develop the rules under paragraph (a), the secretary of health and family
23 services shall establish an advisory committee composed of members who represent

1 a balance of persons who maintain patient health care records and persons who
2 request patient health care records.”

3 4. Page ~~1420~~⁴⁴⁶, line ~~19~~⁶: after that line insert:

4 “~~(3)~~^{3f} FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections
5 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION ~~8872~~) of the statutes takes
6 effect on January 1, 2003.”

7 (END)

52398



State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb3077/1
DAK:kjf&jld:rs

LFB:.....Jakel – Uniform fees for patient health care records

FOR 2001-03 BUDGET NOT READY FOR INTRODUCTION

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

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 172, line 10: after that line insert:

3 **“SECTION 336f.** 146.83 (1) (b) of the statutes is amended to read:

4 146.83 (1) (b) Receive a copy of the patient’s health care records upon payment
5 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

6 **SECTION 336g.** 146.83 (1) (c) of the statutes is amended to read:

7 146.83 (1) (c) Receive a copy of the health care provider’s X-ray reports or have
8 the X-rays referred to another health care provider of the patient’s choice upon
9 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

10 **SECTION 336h.** 146.83 (3m) of the statutes is created to read:

1 146.83 (3m) (a) The department shall, by rule, prescribe fees that are based on
2 an approximation of actual costs. The fees, plus applicable tax, are the maximum
3 amount that a health care provider may charge under sub. (1) (b) for duplicate
4 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the
5 referral of X-rays to another health care provider of the patient's choice. The rule
6 shall also permit the health care provider to charge for actual postage or other actual
7 delivery costs. In determining the approximation of actual costs for the purposes of
8 this subsection, the department may consider all of the following factors:

9 1. Operating expenses, such as wages, rent, utilities, and duplication
10 equipment and supplies.

11 2. The varying cost of retrieval of records, based on the different media on which
12 the records are maintained.

13 3. The cost of separating requested patient health care records from those that
14 are not requested.

15 4. The cost of duplicating requested patient health care records.

16 5. The impact on costs of advances in technology.

17 (b) By January 1, 2006, and every 3 years thereafter, the department shall
18 revise the rules under par. (a) to account for increases or decreases in actual costs.”.

19 **2.** Page 225, line 3: after that line insert:

20 “**SECTION 523p.** 908.03 (6m) (d) of the statutes is amended to read:

21 908.03 (6m) (d) *Fees.* The ~~Before January 1, 2003,~~ the department of health
22 and family services shall, by rule, prescribe uniform fees that are based on an
23 approximation of the actual costs. The fees, plus applicable tax, are the maximum
24 amount that a health care provider may charge ~~under par. (c) 3.~~ for certified duplicate

1 patient health care records. The rule shall also allow the health care provider to
2 charge for actual postage or other actual delivery costs. The commencement of an
3 action is not a prerequisite for the application of this paragraph.

4 **SECTION 523q.** 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin
5 Act (this act), is amended to read:

6 908.03 (6m) (d) *Fees.* ~~Before January 1, 2003~~ After December 31, 2002, the
7 department of health and family services shall, by rule, prescribe uniform fees that
8 are based on an approximation of actual costs. The fees, plus applicable tax, are the
9 maximum amount that a health care provider may charge for certified duplicate
10 patient health care records. The rule shall also allow the health care provider to
11 charge for actual postage or other actual delivery costs. ~~The commencement of an~~
12 ~~action is not a prerequisite for the application of this paragraph~~ For duplicate patient
13 health care records and duplicate X-ray reports or the referral of X-rays to another
14 health care provider that are requested before commencement of an action, s. 146.83
15 (1) (b) and (c) and (3m) applies.”.

16 **3.** Page 358, line 15: after that line insert:

17 “(4g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES.

18 (a) The department of health and family services shall submit in proposed form
19 the rules required under section 146.83 (3m) of the statutes, as created by this act,
20 to the legislative council staff under section 227.15 (1) of the statutes no later than
21 the first day of the 10th month beginning after the effective date of this subsection.

22 (b) To develop the rules under paragraph (a), the secretary of health and family
23 services shall establish an advisory committee composed of members who represent

1 a balance of persons who maintain patient health care records and persons who
2 request patient health care records.”.

3 **4.** Page 446, line 6: after that line insert:

4 “(3f) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections
5 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 523q) of the statutes takes effect
6 on January 1, 2003.”.

7 (END)