

2001 DRAFTING REQUEST

Bill

Received: 09/15/2000

Received By: isagerro

Wantcd: As time permits

Identical to LRB:

For: Administration-Budget

By/Representing: Jablonsky

This file may be shown to any legislator: NO

Drafter: isagerro

May Contact:

Alt. Drafters:

Subject: Health - miscellaneous

Extra Copies: DAK

Pre Topic:

DOA:.....Jablonsky -

Topic:

Rerelease of individual data elements by purchasers of health care information

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>
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/1			rschluet 09/21/2000	_____	gretskl 09/21/2000		

FE Sent For:

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		1 9/20 jld					

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# DHFS

SJ  
01-0317

*Department of Health and Family Services*  
**1999-2001 Biennial Budget Statutory Language Request**  
August 10, 2000

## Re-release of Health Care Information Data

### Current Language

153.45(4)

(4) The department shall prohibit purchasers of data from rereleasing individual data elements of health care data files.

### 153.75 Rule making.

153.75(1)

(1) Following approval by the board, the department shall promulgate the following rules:

153.75(1)(s)

(s) Defining "individual data elements" for purposes of s. 153.45 (4).

### Proposed Change

Repeal s.153.45 (4) and s.153.75 (1)(s).

### Effect of the Change

This proposal eliminates the requirement that the Department prohibit purchasers of health care information data from rereleasing individual data elements of health care data files. Specifically, this change will rectify a conflict in interpretation and practice regarding the re-release of information from vendors who provide value-added information and programming to the Bureau of Health Information (BHI) data.

### Rationale for the Change

Historically, BHI has allowed vendors to re-release data to secondary customers. BHI believes that the initial intent of the statutory language was to assure that the Department would first approve secondary purchases before a vendor could release data to a customer. However given the current statutory language, legal opinions from outside the Department question if the

Department could approve a rerelease of data. In addition, BHI believes that it was intended that BHI would implement administrative rules that would provide the instructions to vendors on how to gain permission to re-release the data. However current statutory language may prohibit the Department from executing this activity.

Desired Effective Date:	Upon Passage
Agency:	DHFS
Agency Contact:	Richard T. Chao
Phone:	(608) 267-0356

re : AB 917

This is the same as AB 917.

# Budget

DAK:dis:jf  
hnh+ld  
\$182

## 1999 ASSEMBLY BILL 917 LPS - Fix request sheet

RM Notrun

March 22, 2000 - Introduced by Representative UNDERHEIM, cosponsored by Senator MOEN, by request of State Medical Society and the Department of Health and Family Services. Referred to Committee on Health.

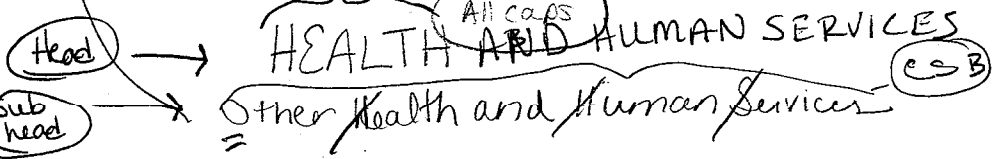
do not  
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- 1 AN ACT to repeal 153.45 (4) and 153.75 (1) (s) of the statutes; relating to:
- 2 eliminating the requirement that the department of health and family services
- 3 prohibit health care information purchasers from rereleasing individual data
- 4 elements.

### Analysis by the Legislative Reference Bureau

Under current law, as affected by 1999 Wisconsin Act 9 (the biennial budget act), the department of health and family services (DHFS) must collect health care information from health care providers, including physicians, hospitals, and ambulatory surgery centers, and must analyze and disseminate that information in the form of standard reports, public use data files, and custom-designed reports. DHFS may only release public use data files that do not permit the identification of specific patients, employers, or health care providers; this identification must be protected by all necessary means, including by the deletion of patient identifiers and the use of calculated and aggregated variables. In addition to these restrictions, numerous other restrictions apply to the release by DHFS of information that is submitted by health care providers other than hospitals or ambulatory surgery centers. Lastly, DHFS must prohibit purchasers of data from rereleasing individual data elements of health care data files. DHFS must define "individual data elements" by rule.

This bill eliminates the requirement that DHFS prohibit purchasers of health care information data from rereleasing individual data elements of health care data files.







State of Wisconsin  
2001 - 2002 LEGISLATURE

LRB-0317/1  
DAK&ISR:hmh&jld:rs

DOA:.....Jablonsky – Rerelease of individual data elements by purchasers of  
health care information

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: eliminating the requirement that the department of  
2 health and family services prohibit health care information purchasers from  
3 rereleasing individual data elements.

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*Analysis by the Legislative Reference Bureau*

**HEALTH AND HUMAN SERVICES**

**OTHER HEALTH AND HUMAN SERVICES**

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