

**2001 DRAFTING REQUEST**

**Senate Amendment (SA-SSA1-SB55)**

Received: 06/15/2001

Received By: kenneda

Wanted: As time permits

Identical to LRB:

For: Senate Democratic Caucus

By/Representing: Keckhaver

This file may be shown to any legislator: NO

Drafter: kenneda

May Contact:

Addl. Drafters:

Subject: Health - miscellaneous

Extra Copies: ISR

Submit via email: NO

Requester's email:

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**Pre Topic:**

SDC:.....Keckhaver - CN2008,

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**Topic:**

Uniform fees for patient health care records

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**Instructions:**

See Attached

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**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 06/16/2001	hhagen 06/16/2001		_____			
/1			pgreensl 06/17/2001	_____	lrb_docadmin 06/17/2001		

FE Sent For:

<END>

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1?	kenneda	1, hmk 6/14/01	9/16 peg	6/17 TS/JFK			

FE Sent For:

<END>

yes

06/15/2001 01:45 PM

**Agency: Health and Family Services - Departmentwide & Management & Technology**

EN2008  
caucus number 2008

duplicate flag:

duplicate with:

Other reference numbers:	LFB Sum #:
bill number/amendment number: SB 71	
LRB draft #	LRB P-draft:

**other notes**

Description2: Currently, patients or other persons may receive a copy of the patient's health care record or x-ray report by submitting a statement of informed consent and upon payment of reasonable costs. This amendment would require DHFS to promulgate rules setting limits to amounts that can be charged for medical records.

drafting instructions:

more instructions:

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Agency: Health and Family Services - Departmentwide & Management & Technology

Number of Amendments: 1



## 2001 SENATE BILL 71

Medical records bill for  
Cancer amendment

CN2008

February 28, 2001 - Introduced by Senators DECKER, BURKE, MOEN, ERPENBACH, PLACHE, BAUMGART, MOORE, GEORGE, GROBSCHMIDT and SCHULTZ, cosponsored by Representatives M. LEHMAN, STASKUNAS, UNDERHEIM, ZIEGELBAUER, SERATTI, LOEFFELHOLZ, F. LASEE, MCCORMICK, BOCK, WOOD, GRONEMUS, MILLER, CULLEN, KREUSER, J. LEHMAN, LA FAVE, COLON, HUBER, PLOUFF and HEBL. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

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.

### *Analysis by the Legislative Reference Bureau*

Under current law relating to patient health care records, patients or other persons may receive a copy of the patient's health care record or X-ray report upon submitting a statement of informed consent for the release and upon payment of reasonable costs.

Under current law, relating to evidence in court proceedings, the department of health and family services (DHFS) must, by rule, prescribe uniform fees that a health care provider may charge attorneys to obtain certified duplicate health care records that are subject to subpoena. (Health care providers affected by this law are chiropractors, dentists and physician assistants, nonpublic physicians, nurse anesthetists, massage therapists and bodyworkers, and certain nonpublic facilities, associations, or corporations.) The uniform fees must be based on an approximation of the actual costs but also permit the health care provider to charge for postage or other delivery costs. Currently, rules of DHFS permit a health care provider to charge attorneys the greater of \$8.40 per request or 45 cents per record page for the first 50 pages and 25 cents per record page for the remaining pages, \$4 for each X-ray copy, and the actual costs of postage or other means of delivery of the records.

## SENATE BILL 71

This bill changes laws relating to patient health care records to require that DHFS promulgate rules that prescribe fees, based on an approximation of reasonable costs, that, together with applicable state tax, are the maximum amount that, beginning April 1, 2003, a health care provider may charge for duplicate patient health care records, for duplicate X-ray reports, or for the referral of X-rays to another health care provider. The rules must also permit the health care provider to charge for actual postage or other actual delivery costs.

This bill changes laws relating to evidence in court proceedings to specify that, before April 1, 2003, the uniform fees that DHFS prescribes by rule for certified duplicate health care records, plus applicable tax, are the maximum amount that a health care provider may charge for the records, that the health care provider may also charge for actual postage or other actual delivery costs, and that a court action need not be commenced for this law to apply. After March 31, 2003, for duplicate patient health care records and duplicate X-ray reports or the referral of X-rays to another health care provider requested before a court action is commenced, rules that specify fees that DHFS is required, under the bill, to promulgate under the patient health care record laws apply.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

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

2 146.83 (1) (b) Receive a copy of the patient's health care records upon payment  
3 of reasonable costs fees, as established by rule under sub. (3m).

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

5 146.83 (1) (c) Receive a copy of the health care provider's X-ray reports or have  
6 the X-rays referred to another health care provider of the patient's choice upon  
7 payment of reasonable costs fees, as established by rule under sub. (3m).

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

9 146.83 (3m) The department shall, by rule, prescribe fees that are based on an  
10 approximation of actual costs. The fees, plus applicable state tax, are the maximum  
11 amount that a health care provider may charge under sub. (1) (b) for duplicate  
patient health care records and under sub. (1) (c) for duplicate X-ray reports or the

## SENATE BILL 71

1 referral of X-rays to another health care provider of the patient's choice. The rule  
2 shall also permit the health care provider to charge for actual postage or other actual  
3 delivery costs.

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

5 908.03 (6m) (d) Fees. The Before April 1, 2003, the department of health and  
6 family services shall, by rule, prescribe uniform fees that are based on an  
7 approximation of the actual costs. The fees, plus applicable state tax, are the  
8 maximum amount that a health care provider may charge under par. (c) 3. for  
9 certified duplicate patient health care records. The rule shall also allow the health  
10 care provider to charge for actual postage or other actual delivery costs. The  
11 commencement of an action is not a prerequisite for the application of this  
12 paragraph.

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

15 908.03 (6m) (d) Fees. Before April 1 After March 31, 2003 the department of  
16 health and family services shall, by rule, prescribe uniform fees that are based on an  
17 approximation of actual costs. The fees, plus applicable state tax, are the maximum  
18 amount that a health care provider may charge for certified duplicate patient health  
19 care records. The rule shall also allow the health care provider to charge for actual  
20 postage or other actual delivery costs. ~~The commencement of an action is not a~~  
21 prerequisite for the application of this paragraph For duplicate patient health care  
22 records and duplicate X-ray reports or the referral of X-rays to another health care  
23 provider that are requested before commencement of an action, s. 146.83 (1) (b) and  
24 (c) and (3m) applies.

25 SECTION 6. Nonstatutory provisions.

**SENATE BILL 71**

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

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

8 (1) **FEEES FOR PATIENT HEALTH CARE RECORDS; RULES.** The treatment of sections  
9 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 5) of the statutes takes effect  
10 on April 1, 2003.

11 (END)





State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa0323/1  
DAK:cjs:ff

SENATE AMENDMENT 1,  
TO 2001 SENATE BILL 71

April 4, 2001 - Offered by COMMITTEE ON HEALTH, UTILITIES, VETERANS AND MILITARY  
AFFAIRS.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 5: delete "April 1, 2003" and substitute "July 1, 2002".

3 2. Page 3, line 15: delete "April 1 After March 31, 2003" and substitute "July  
4 1 After June 30, 2002".

5 3. Page 4, line 10: delete "April 1, 2003" and substitute "July 1, 2002".

6 (END)

2001

Date (time) needed

SOON - Inedit 6/16

LRB b 1039 / 1

AMDT TO BUDGET SUB AMDT

DAK : kmh

See form AMENDMENTS — COMPONENTS & ITEMS.

SENATE AMENDMENT  
TO ~~SENATE AMENDMENT~~  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2001 SENATE BILL 55

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

#. Page 9.44, line 13.: after that line insert:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

#. Page . . . . ., line . . . . .:

## 2001 SENATE BILL 71

February 28, 2001 – Introduced by Senators DECKER, BURKE, MOEN, ERPENBACH, PLACHE, BAUMGART, MOORE, GEORGE, GROBSCHMIDT and SCHULTZ, cosponsored by Representatives M. LEHMAN, STASKUNAS, UNDERHEIM, ZIEGELBAUER, SERATTI, LOEFFELHOLZ, F. LASEE, MCCORMICK, BOCK, WOOD, GRONEMUS, MILLER, CULLEN, KREUSER, J. LEHMAN, LA FAVE, COLON, HUBER, PLOUFF and HEBL. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

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.

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### *Analysis by the Legislative Reference Bureau*

Under current law relating to patient health care records, patients or other persons may receive a copy of the patient's health care record or X-ray report upon submitting a statement of informed consent for the release and upon payment of reasonable costs.

Under current law, relating to evidence in court proceedings, the department of health and family services (DHFS) must, by rule, prescribe uniform fees that a health care provider may charge attorneys to obtain certified duplicate health care records that are subject to subpoena. (Health care providers affected by this law are chiropractors, dentists and physician assistants, nonpublic physicians, nurse anesthetists, massage therapists and bodyworkers, and certain nonpublic facilities, associations, or corporations.) The uniform fees must be based on an approximation of the actual costs but also permit the health care provider to charge for postage or other delivery costs. Currently, rules of DHFS permit a health care provider to charge attorneys the greater of \$8.40 per request or 45 cents per record page for the first 50 pages and 25 cents per record page for the remaining pages, \$4 for each X-ray copy, and the actual costs of postage or other means of delivery of the records.

**SENATE BILL 71**

This bill changes laws relating to patient health care records to require that DHFS promulgate rules that prescribe fees, based on an approximation of reasonable costs, that, together with applicable state tax, are the maximum amount that, beginning April 1, 2003, a health care provider may charge for duplicate patient health care records, for duplicate X-ray reports, or for the referral of X-rays to another health care provider. The rules must also permit the health care provider to charge for actual postage or other actual delivery costs.

This bill changes laws relating to evidence in court proceedings to specify that, before April 1, 2003, the uniform fees that DHFS prescribes by rule for certified duplicate health care records, plus applicable tax, are the maximum amount that a health care provider may charge for the records, that the health care provider may also charge for actual postage or other actual delivery costs, and that a court action need not be commenced for this law to apply. After March 31, 2003, for duplicate patient health care records and duplicate X-ray reports or the referral of X-rays to another health care provider requested before a court action is commenced, rules that specify fees that DHFS is required, under the bill, to promulgate under the patient health care record laws apply.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 " SECTION 4. 146.83 (1) (b) of the statutes is amended to read: 2850bg

2 146.83 (1) (b) Receive a copy of the patient's health care records upon payment  
3 of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

4 SECTION 5. 146.83 (1) (c) of the statutes is amended to read: 2850bh

5 146.83 (1) (c) Receive a copy of the health care provider's X-ray reports or have  
6 the X-rays referred to another health care provider of the patient's choice upon  
7 payment of ~~reasonable costs~~ fees, as established by rule under sub. (3m).

8 SECTION 6. 146.83 (3m) of the statutes is created to read: 2850bi

9 146.83 (3m) The department shall, by rule, prescribe fees that are based on an  
10 approximation of actual costs. The fees, plus applicable state tax, are the maximum  
11 amount that a health care provider may charge under sub. (1) (b) for duplicate  
12 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the

SENATE BILL 71

1 referral of X-rays to another health care provider of the patient's choice. The rule  
2 shall also permit the health care provider to charge for actual postage or other actual  
3 delivery costs. "

# Page 1219, line 15 : after that line insert:

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

July 1, 2002

5 908.03 (6m) (d) Fees. The ~~Before April 1, 2002~~ the department of health and  
6 family services shall, by rule, prescribe uniform fees that are based on an  
7 approximation of the actual costs. The fees, plus applicable state tax, are the  
8 maximum amount that a health care provider may charge under par. (e) 3. for  
9 certified duplicate patient health care records. The rule shall also allow the health  
10 care provider to charge for actual postage or other actual delivery costs. The  
11 commencement of an action is not a prerequisite for the application of this  
12 paragraph.

3872y

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

July + After June 30, 2002

15 908.03 (6m) (d) Fees. ~~Before April 1, 2002~~ After March 31, 2002 the department of  
16 health and family services shall, by rule, prescribe uniform fees that are based on an  
17 approximation of actual costs. The fees, plus applicable state tax, are the maximum  
18 amount that a health care provider may charge for certified duplicate patient health  
19 care records. The rule shall also allow the health care provider to charge for actual  
20 postage or other actual delivery costs. ~~The commencement of an action is not a~~  
21 ~~prerequisite for the application of this paragraph~~ For duplicate patient health care  
22 records and duplicate X-ray reports or the referral of X-rays to another health care  
23 provider that are requested before commencement of an action, s. 146.83 (1) (b) and  
24 (c) and (3m) applies. "

25 SECTION 6. Nonstatutory provisions.

SENATE BILL 71

# . Page 1338, line 20: after that line insert:

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

6 ~~SECTION 7. Effective dates. This act takes effect on the day after publication,~~  
7 ~~except as follows:~~

# . Page 1420, line 19: after that line insert:

8 (8) " (3) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections  
9 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 5) of the statutes takes effect  
10 on ~~April 1, 2002~~ ".  
11

(END)

July 1, 2002

38724

Autoreg

SDC:.....Keckhaver – CN2008, Uniform fees for patient health care records

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION

**CAUCUS SENATE AMENDMENT**

**TO SENATE SUBSTITUTE AMENDMENT 1,**

**TO 2001 SENATE BILL 55**

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

2 **1.** Page 946, line 13: after that line insert:

3 **“SECTION 2850bg.** 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 2850bh.** 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 2850bi.** 146.83 (3m) of the statutes is created to read:

1           146.83 (3m) The department shall, by rule, prescribe fees that are based on an  
2 approximation of actual costs. The fees, plus applicable state 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.”.

8           **2.** Page 1219, line 15: after that line insert:

9           “**SECTION 3872x.** 908.03 (6m) (d) of the statutes is amended to read:

10           908.03 (6m) (d) *Fees.* ~~The~~ Before July 1, 2002, the department of health and  
11 family services shall, by rule, prescribe uniform fees that are based on an  
12 approximation of ~~the~~ actual costs. The fees, plus applicable state tax, are the  
13 maximum amount that a health care provider may charge ~~under par. (c) 3.~~ for  
14 certified duplicate patient health care records. The rule shall also allow the health  
15 care provider to charge for actual postage or other actual delivery costs. The  
16 commencement of an action is not a prerequisite for the application of this  
17 paragraph.

18           **SECTION 3872y.** 908.03 (6m) (d) of the statutes, as affected by 2001 Wisconsin  
19 Act .... (this act), is amended to read:

20           908.03 (6m) (d) *Fees.* ~~Before July 1~~ After June 30, 2002 the department of  
21 health and family services shall, by rule, prescribe uniform fees that are based on an  
22 approximation of actual costs. The fees, plus applicable state tax, are the maximum  
23 amount that a health care provider may charge for certified duplicate patient health  
24 care records. The rule shall also allow the health care provider to charge for actual



1 postage or other actual delivery costs. ~~The commencement of an action is not a~~  
2 ~~prerequisite for the application of this paragraph~~ For duplicate patient health care  
3 records and duplicate X-ray reports or the referral of X-rays to another health care  
4 provider that are requested before commencement of an action, s. 146.83 (1) (b) and  
5 (c) and (3m) applies.”.

6 **3.** Page 1338, line 20: after that line insert:

7 “(14g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The department of health  
8 and family services shall submit in proposed form the rules required under section  
9 146.83 (3m) of the statutes, as created by this act, to the legislative council staff  
10 under section 227.15 (1) of the statutes no later than the first day of the 5th month  
11 beginning after the effective date of this subsection.”.

12 **4.** Page 1420, line 19: after that line insert:

13 “(16f) FEES FOR PATIENT HEALTH CARE RECORDS; RULES. The treatment of sections  
14 146.83 (1) (b) and (c) and 908.03 (6m) (d) (by SECTION 3872y) of the statutes takes  
15 effect on July 1, 2002.”.

16 (END)