

2003 DRAFTING REQUEST

Senate Amendment (SA-SB44)

Received: **05/08/2003**

Received By: **dkennedy**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-3847**

By/Representing: **Swissdorf (CM)**

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

Drafter: **dkennedy**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies: **RLR**

Submit via email: **YES**

Requester's email:

Carbon copy (CC:) to:

Pre Topic:

LFB:.....Swissdorf (CM) -

Topic:

Hospital and ambulatory surgery center data collection

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>
/?							
/P1	dkennedy 05/14/2003	wjackson 05/15/2003	pgreensl 05/20/2003	_____	sbasford 05/20/2003		
		wjackson 05/20/2003		_____			
/1	dkennedy	wjackson	jfrantze	_____	mbarman		

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
	05/27/2003	05/28/2003	05/28/2003	_____	05/28/2003		
/2	dkennedy 05/28/2003	wjackson 05/28/2003	chaskett 05/28/2003	_____	sbasford 05/29/2003		

FE Sent For:

<END>

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		wjackson 05/20/2003		_____			
/1	dkennedy	wjackson 12 WJ 5/28	jfrantze	_____	mbarman		

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/?							
/P1	dkennedy 05/14/2003	wjackson 05/15/2003	pgreensl 05/20/2003	_____	sbasford 05/20/2003		
		wjackson 05/20/2003		_____			

1 Wlj 5/28

J 5/28 J/cpl 5/28

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Drafter: dkennedy

May Contact:

Addl. Drafters:

Subject: Health - miscellaneous

Extra Copies: RLR, RJM

Submit via email: YES

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/?	dkennedy	/PI Wly 5/20	5/20	5/20			
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PS
 PS/MS
 <END>

FE Sent For:



Legislative Fiscal Bureau

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

Date: 5/7/03

DELIVER TO: Debora Kennedy

Addressee Fax #: 4-6948 Addressee Phone #: _____

of Pages, Including Cover: 7 Sender's Initials: KS

From: Kim Swindoy

Message: Here are my motions from Joint Finance. I wrote the draft number on them, if applicable.

I'm told that for the Tri-County Dental Clinic, one-time funding in 03-04 of \$50,000 from 20.435(5)(dm) should be in session law.?

In addition to the Tobacco Control motion, JFC adopted alternatives A1, B1, C3, and D1 in LFB Paper # 720.

Let me know if you have any questions.
Thanks!

LRB 1913/1 (not really related)

Senator Kanavas
Representative Schooff
Representative Huebsch

HEALTH AND FAMILY SERVICES

Hospital and Ambulatory Surgery Center Data Collection

Motion:

Move to require the Department of Administration (DOA), by the first day of the second month after the bill's general effective date, to contract with an entity that is: (a) not-for-profit, as defined under section 501(c)(6) of the Internal Revenue Service Code; (b) a business membership organization that represents at least 70% of hospitals in Wisconsin; and (c) affiliated with the Healthcare Accountability Board that would oversee the entity's data program.

153.01
(4j)
(intro.)
+ (a)
+ 153.05
(2m)

Require the contracted entity to:

• Collect the data and information that the Bureau of Health Information (BHI) in the Department of Health and Family Services currently collects from hospitals and ambulatory surgery centers (ASCs), including claims data information from the fiscal survey and the American Hospital Association annual survey.

153.05
(1)(b)

• Prepare and release the collected data and other information in the data sets and standard reports as required under current law and accomplished by BHI. The standard reports the entity would be required to produce include: (a) the hospital rate increase report; (b) the guide to Wisconsin hospitals report; (c) the patient-level data utilization and charge report; and (d) the uncompensated health care in Wisconsin hospitals report.

153.08 (5)

153.21

153.20

153.05 (1)(b)

• Protect patient confidentiality, as required under current law, for data collected from hospitals and ASCs.

153.50
153.46 (1)(c)

• Release all claims data and provider survey information to DHFS for epidemiological purposes as required under current law.

153.50
(4)(a) 3
153.46 (2)

• Assess fees as approved by the Board for the sale of data sets and standard reports. The entity would provide DHFS with claims and provider survey information without charge.

153.65
(2)
153.46
(5)

• Expand the current hospital outpatient database to include all outpatient hospital-based services within 18 months of the contract date.

153.05
(1)(b)

Require the Board to be composed of the following members: (a) the DHFS Secretary as a

153.01
(4j) (b)

nonvoting member and the chair of the Board; (b) two members named by Wisconsin Manufacturers and Commerce; (c) two members named by the Association of Wisconsin Health Plans; (d) one member named by the AFL-CIO; (e) two members named by the Wisconsin Hospitals Association; (f) one member named by the Speaker of the Assembly; and (g) one member named by the Senate Majority Leader. Require the Secretary, as chair of the Board, to report annually to the Legislature on the content and number of reports generated by the entity and the currency of the information and reports generated by the entity. Require the Board to review and approve reasonable fees necessary to generate the required data and standard reports. Require DOA to monitor the contract.

Delete the requirement that hospitals and ASCs to submit claims data and survey information to BHI. Instead require hospitals and ASCs to submit claims data and survey information to the entity.

153.75
(1)(m)
153.05
(1)(b)

Delete all references to the authority of DHFS to collect and disseminate data and information related to hospitals and ASCs under Chapter 153 of the statutes.

✓

Require the entity to provide equal access to the data collected and reports generated under the program to all requestors that pay the fees, limited by the privacy and security provisions under current law. Authorize other organizations to use the purchased data to generate and publish reports, but not re-release or resell the data sets. Authorize DHFS to release data and information as part of reports created by DHFS, but not re-release or resell the data sets.

153.46
(4)
153.46
(6)

Require the Board to review the entity's performance under the contract every two years, including the timeliness and quality of the reports the entity generates. Authorize the Board to recommend to DOA that DOA issue a request-for-proposal (RFP) for the work performed by the entity under the contract if the Board is not satisfied with the entity's performance. Require the hospital data and information collection and dissemination activities to transfer back to DHFS if no organization responds to the RFP.

153.05
(2m)

Prohibit DOA from requiring any additional data and information collection or dissemination activities of the entity. Require DOA to include in the contract only terms authorized under current law or that are standard terms in contracts with DOA.

153.05
(2m)

Authorize the entity to have sole rights to sell hospital and ASC data and information collected beginning January 1, 2004, unless otherwise agreed to by the entity, based on the reasonable and necessary fees established by the Board for data sets and standard reports. Authorize the entity, rather than BHI, to have the rights to use and the sole authority to sell hospital and ASC data collected by BHI since the inception of the program and retain all fees associated with those sales.

153.65
(2)

Require DHFS to provide the entity with all databases and all prior databases and computer software, including manuals, documentation, and program codes during the first year of the contract. Require DHFS to provide the entity with transition assistance to ensure that the data

Nonstatute
1

collection and dissemination program is functioning by January 1, 2004.

Reduce funding in DHFS by \$750,000 PR in 2003-04 and \$1,300,000 PR in 2004-05 and delete 18.0 PR positions, beginning in 2003-04, to reflect the transfer of hospital and ASC data collection and dissemination responsibilities from BHI to the entity. Provide \$750,000 PR in 2003-04 to DOA to fund the contract with the entity in 2003-04.

LFB

Repeal DHFS authority to assess hospitals and ASCs to support the activities of BHI, beginning July 1, 2004.

153-60
(1)

Note:

This motion would transfer the responsibilities regarding the collection and dissemination of data related to hospitals and ASCs from DHFS to a private entity, the Wisconsin Hospital Association.

Currently, DHFS collects assessments from hospitals and ASCs to fund activities related to the collection and dissemination of data, in addition to data sales. This motion would transfer \$750,000 PR from the \$1,300,000 PR DHFS collects in assessments from hospitals and ASCs to the entity in 2003-04. In addition, this motion would delete \$1,300,000 PR and 18.0 PR positions in DHFS that perform activities related to the collection and dissemination of hospital and ASC data in 2004-05.

[Change to Bill -- DHFS: -\$1,300,000 PR-REV and -18.0 PR positions]

[Change to Bill -- DOA: \$750,000 PR in 2003-04]

Moore / Decker
move to table 5-11

LaZich
Decker
Moore
Coggs
Schoof

Motion #419

MO#	419	
Darling	(Y)	N
Nelch	(Y)	N
Fitzgrid	(Y)	N
azich	(Y)	N
farsdorf	(Y)	N
canavas	(Y)	N
Decker	(Y)	N
Moore	(Y)	N
Laufert	(Y)	N
Luebsch	(Y)	N
Vard	(Y)	N
Stone	(Y)	N
Inoades	(Y)	N
Teyer	(Y)	N
Coggs	(Y)	N
Schoof	(Y)	N

12-4

60146

Questions for Kim Swissdorf:

- ✓ ① Healthcare Accountability Board -
to be attached for limited purposes to DHFS
under 15.03 or created in DHFS? **(No)**
- ✓ ② What does "affiliated w/ the Board" mean w/re
the not-for-profit? (1st par. of Motion) - **(IGNORE)**
- ✓ ③ What are the lengths of terms of the non ex officio
members? **(NOT NECESSARY; ALL BY R W ENTITY)**
(No)
- ✓ ④ Keep the board on health care information? 15.195(6)
- ⑤ What does 6th bullet pt. on 1st page of motion mean?
(Is referring to HFS 120.12)
- ⑥ Is the contract with the entity to be renewed?
(Motion is silent, so no language there)



SOON - In edit 5/14
State of Wisconsin
2003 - 2004 LEGISLATURE

D-NOTE

LRBb0146/P1
DAK:.....
NLj

LFB:.....Swissdorf (CM) - Hospital and ambulatory surgery center data collection

FOR 2003-05 BUDGET - NOT READY FOR INTRODUCTION

SENATE AMENDMENT,
TO 2003 SENATE BILL 44

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

2 1. Page 114, line 16: before "and" insert "153.05 (2m) (a)."

3 2. Page 115, line 18: after that line insert:

4 "SECTION 215⁴b. 16.752 (12) (a) of the statutes is amended to read:

5 16.752 (12) (a) Except as provided in pars. (c), (d), (h) and (i), and (j) and as
6 authorized under sub. (13), agencies shall obtain materials, supplies, equipment and
7 services on the list maintained by the board under sub. (2) (g)."

History: 1989 a. 45; 1991 a. 32, 39; 1993 a. 16, 17; 1995 a. 27 ss. 383b, 384, 9116 (5); 2001 a. 16.

8 SECTION 215³c. 16.752 (12) (j) of the statutes is created to read:

STET

9 16.752 (12) (j) Paragraph (a) does not apply to services purchased under a
10 contract under s. 153.05 (2m) (a)."

Page 115, line 18: after that line insert

1 **3.** Page 371, line 6: after that line insert:

2 “SECTION 458r. 20.435 (4) (hi) of the statutes is amended to read:

3 20.435 (4) (hi) *Compilations and special reports.* All moneys received from user
4 fees imposed under s. 153.65 (1) for the purpose of financing the costs of the
5 department of health and family services of producing special data compilations or
6 special reports under s. 153.65.”.

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105.

7 **4.** Page 842, line 2: after that line insert:

8 “SECTION 2092c. 153.01 (4j) of the statutes is created to read:

9 153.01 (4j) “Entity” means a nonstock corporation organized under ch. 181 that
10 is a nonprofit corporation, as defined in s. 181.0103 (17), and that does all of the
11 following:

12 (a) Represents at least 70% of the hospitals in Wisconsin.

13 (b) Receives oversight with respect to services performed by the entity under
14 this chapter from a group that is composed of all of the following:

- 15 1. The secretary of health and family services, who shall serve as chairperson
16 and nonvoting member of the group.
- 17 2. Two members designated by Wisconsin Manufacturers and Commerce, Inc.
- 18 3. One member designated by the Wisconsin State AFL-CIO.
- 19 4. Two members designated by the Wisconsin Hospital Association, Inc.
- 20 5. One member designated by the speaker of the assembly.
- 21 6. One member designated by the senate majority leader.

22 SECTION 2092d. 153.05 (1) of the statutes is amended to read:

1 153.05 (1) In order to provide to ~~hospitals~~, health care providers, insurers,
2 consumers, governmental agencies and others information concerning health care
3 providers and uncompensated health care services, and in order to provide
4 information to assist in peer review for the purpose of quality assurance, ~~the:~~

5 (a) The department shall collect from health care providers other than
6 hospitals and ambulatory surgery centers, analyze, and disseminate health care
7 information, as adjusted for case mix and severity, in language that is
8 understandable to ~~lay persons~~ lay persons.

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

9 SECTION 2092e. 153.05 (1) (b) of the statutes is created to read:

10 153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from
11 hospitals and ambulatory surgery centers the health care information required of
12 hospitals and ambulatory surgery centers by the department under this chapter,
13 2001 stats., and the rules promulgated under this chapter, 2001 stats., including, by
14 the date that is 18 months after the date of the contract under sub. (2) (a), all
15 outpatient hospital-based services. The entity shall analyze and disseminate that
16 health care information, as adjusted for case mix and severity, in the manner
17 required under this chapter, under this chapter, 2001 stats., and under the rules
18 promulgated under this chapter, 2001 stats., and in language that is understandable
19 to ~~lay persons~~ lay persons.

20 SECTION 2092f. 153.05 (2m) of the statutes is created to read:

21 153.05 (2m) (a) Notwithstanding s. 16.75 (1), (2), and (3m), by the date that is
22 the first day of the 2nd month after the effective date of this ~~subsection~~ paragraph, the
23 department of administration shall contract with an entity to perform services under
24 this chapter that are specified for the entity with respect to the collection, analysis,

1 and dissemination of health care information of hospitals and ambulatory surgery
2 centers. The department of administration may not, by this contract, require from
3 the entity any collection, analysis, or dissemination of health care information of
4 hospitals and ambulatory surgery centers that is in addition to that required under
5 this chapter, and may include in the contract only terms standard to contracts with
6 the department of administration under subch. IV of ch. 16.✓

7 (b) Biennially, the group specified under s. 153.01 (4j) (b)✓ shall review ^{the entity's} ~~that~~
8 performance, including the timeliness and quality of the reports generated by the
9 entity. If the group is dissatisfied with the entity's performance, the group may
10 recommend ~~to the department~~ ^{STET} of administration ~~that that department~~ ^{STET} use a
11 competitive request-for-proposal process to solicit offers from other organizations
12 for performance of the services. If no organization responds to the request for
13 proposal, the department of health and family services shall perform the services
14 specified for the entity with respect to the collection, analysis, and dissemination of
15 health care information of hospitals and ambulatory surgery centers under this
16 chapter.

17 **SECTION 2092g.** 153.05 (3)✓ of the statutes is renumbered 153.05 (3) (a)✓ and
18 amended to read:

19 153.05 (3) (a) Upon request of the department for health care information
20 relating to health care providers other than hospitals and ambulatory surgery
21 centers, state agencies shall provide that health care information to the department
22 for use in preparing reports under this chapter.

23 **SECTION 2092h.** 153.05 (3) (b)✓ of the statutes is created to read:

24 153.05 (3) (b) Upon ~~the~~ request of the entity under contract under sub. (2m) (a)✓
25 for health care information relating to hospitals and ambulatory surgery centers,

1 state agencies shall provide that health care information to the entity for use in
2 preparing reports under this chapter.

3 History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

3 **SECTION 2092i.** 153.05 (5) of the statutes is renumbered 153.05 (5) (a) and
4 amended to read:

5 153.05 (5) (a) Unless sub. (13) (a) applies, the department may require health
6 care providers other than hospitals and ambulatory surgery centers to submit to the
7 department information specified by rule under s. 153.75 (1) (n) for the preparation
8 of reports, plans, and recommendations in the form specified by the department by
9 rule.

10 **SECTION 2092j.** 153.05 (5) (b) of the statutes is created to read:

11 153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
12 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the
13 entity information for the preparation of reports, plans, and recommendations in the
14 form specified by the entity.

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

****NOTE: For DHFS, under s. 153.05 (5) (a), this information is required to be
specified by rule. For the entity, should the information be required to be approved by
the group? Do you want the exception for sub. (13)?

15 **SECTION 2092k.** 153.05 (6) of the statutes is amended to read:

16 153.05 (6) The department may contract with a public or private ~~entity~~
17 organization that is not a major purchaser, payer or provider of health care services
18 in this state for the provision of data processing services for the collection, analysis
19 and dissemination of health care information under sub. (1) (a).

20 History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

20 **SECTION 2092L.** 153.05 (6r) of the statutes is amended to read:

21 153.05 (6r) The department shall study and, based on the results of the study,
22 may develop and implement a voluntary system of health care plan reporting that

1 enables purchasers and consumers to assess the performance of health care plans
 2 and the health care providers, other than hospitals and ambulatory surgery centers,
 3 that are employed or reimbursed by the health care plans. The department shall
 4 undertake the study and any development and implementation in cooperation with
 5 private health care purchasers, the board, the department of employee trust funds,
 6 the office of the commissioner of insurance, the interagency coordinating council
 7 created under s. 15.107 (7), major associations of health care providers, health care
 8 plans and consumers. If implemented, the department shall operate the system in
 9 a manner so as to enable purchasers, consumers, the public, the governor and
 10 legislators to assess the performance of health care plans and health care providers
 11 other than hospitals and ambulatory surgery centers. ✓

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

12 **5.** Page 842, line 4: delete lines 4 to 14 and substitute:

13 “**SECTION 2093c.** 153.05 (9) of the statutes is renumbered 153.05 (9) (a) and
 14 amended to read:

15 153.05 (9) (a) The department shall provide orientation and training to health
 16 care providers, other than hospitals and ambulatory surgery centers, who submit
 17 data under this chapter ² to explain the process of data collection and analysis and the
 18 procedures for data verification, comment, interpretation, and release.

19 **SECTION 2093d.** 153.05 (9) (b) of the statutes is created to read:

20 153.05 (9) (b) The entity under contract under sub. (2m) (a) shall provide
 21 orientation and training to hospitals and ambulatory surgery centers that submit
 22 data under this chapter ² to explain the process of data collection and analysis and the
 23 procedures for data verification, comment, interpretation, and release.

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

24 **SECTION 2093e.** 153.05 (12) of the statutes is renumbered 153.05 (12) (a).

1 SECTION 2093f. 153.05 (12) (b) of the statutes is created to read:

2 153.05 (12) (b) The entity under contract under sub. (2m) (a) shall, to the extent
3 possible and upon request, assist members of the public in interpreting data in
4 health care information disseminated by the entity. "

5 ~~STET~~ SECTION 2094c. 153.05 (13) of the statutes is renumbered 153.05 (13) (a) and
6 amended to read:

7 153.05 (13) (a) The department may waive the requirement under sub. (1), (a)
8 or (5) or (8) for a health care provider, other than a hospital or ambulatory surgery
9 center, who requests the waiver and presents evidence to the department that the
10 requirement under sub. (1), (a) or (5) or (8) is burdensome, under standards
11 established by the department by rule. The department shall develop a form for use
12 by a the health care provider in submitting a request under this subsection
13 paragraph.

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

14 SECTION 2094d. 153.05 (13) (b) of the statutes is created to read:

15 153.05 (13) (b) The entity under contract under sub. (2m) (a) may waive the
16 requirement under sub. (1) (b) or (5) for a hospital or ambulatory surgery center that
17 requests the waiver and presents evidence to the entity that the requirement under
18 sub. (1) (b) or (5) is burdensome. The entity shall develop a form for use by the
19 hospital or ambulatory surgery center in submitting a request under this paragraph.

****NOTE: Do you want this provision? Should the group providing oversight be required to develop standards (see s. 153.05 (13) (a))?

20 SECTION 2094e. 153.07 (1) of the statutes is amended to read:

Page 842, line 4: delete lines 4 to 14 and substitute

1 153.07 (1) The board shall advise the department with regard to the collection,
2 analysis and dissemination of health care information required of the department
3 by this chapter.

History: 1987 a. 399; 1991 a. 269; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231, 237.

4 **SECTION 2094f.** 153.07 (4) (b) of the statutes is amended to read:

5 153.07 (4) (b) Provide oversight on the standard reports required of the
6 department under this chapter, including the ~~reports~~ report under ~~ss. 153.20 and s.~~
7 153.21 (1).

History: 1987 a. 399; 1991 a. 269; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231, 237.

8 **SECTION 2094g.** 153.07 (4) (c) of the statutes is amended to read:

9 153.07 (4) (c) Develop the overall strategy and direction for implementation of
10 the department's duties and powers under this chapter.

History: 1987 a. 399; 1991 a. 269; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231, 237.

11 **SECTION 2094h.** 153.08 (5) of the statutes is created to read:

12 153.08 (5) The entity that is under a contract under s. 153.05 (2m) (a) shall
13 annually publish a hospital rate increase report that contains all of the following
14 information:

15 (a) For each hospital that publishes a notice under sub. (4), all of the following:

16 1. The name of the hospital and the city, village, or town in which the hospital
17 is located.

18 2. The date the rate increase is to take effect.

19 3. The annualized percentage rate increase that will result.

20 4. The geographic area of analysis in which the hospital is located.

21 (b) A list of hospitals that have closed since 1993.

22 **SECTION 2094i.** 153.10 of the statutes is renumbered 153.10 (1) and amended
23 to read:

① 153.10 (1) **Health care data reports.** The department shall prepare, and
2 submit to the governor and the chief clerk of each house of the legislature for
3 distribution to the legislature under s. 13.172 (2), standard reports concerning
4 health care providers other than hospitals and ambulatory surgery centers that the
5 department prepares and shall collect information necessary for preparation of those
6 reports.

History: 1987 a. 399; 1997 a. 27, 231.

7 **SECTION 2094j.** 153.10 (2) of the statutes is created to read:

8 153.10 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare, and
9 submit to the governor and the chief clerk of each house of the legislature for
10 distribution to the legislature under s. 13.172 (2), standard reports concerning
11 hospitals and ambulatory surgery centers that the entity prepares and shall collect
12 information necessary for preparation of those reports.

****NOTE: Do you want this requirement for the entity?

13 **SECTION 2094k.** 153.20 of the statutes is amended to read:

14 **153.20 Uncompensated health care services report.** (1) ~~The department~~
15 entity under contract under s. 153.05 (2m) (a) shall prepare, and submit to the
16 governor and to the chief clerk of each house of the legislature for distribution to the
17 legislature under s. 13.172 (2), an annual report setting forth the number of patients
18 to whom uncompensated health care services were provided by each hospital and the
19 total charges for the uncompensated health care services provided to the patients for
20 the preceding year, together with the number of patients and the total charges that
21 were projected by the hospital for that year in the plan filed under sub. (2).

22 (2) Every hospital shall file with the ~~department~~ entity under contract under
23 s. 153.05 (2m) (a) an annual plan setting forth the projected number of patients to
24 whom uncompensated health care services will be provided by the hospital and the

1 projected total charges for the uncompensated health care services to be provided to
2 the patients for the ensuing year.

History: 1987 a. 399; 1989 a. 18; 1997 a. 27, 231.

3 **SECTION 2094L.** 153.21 of the statutes is renumbered 153.21 (1) and amended
4 to read:

5 **153.21 Consumer guide.** (1) The department shall prepare and submit to
6 the governor and to the chief clerk of each house of the legislature for distribution
7 to the legislature under s. 13.172 (2) an annual guide to assist consumers in selecting
8 health care providers other than hospitals and ambulatory surgery centers and
9 health care plans. The guide shall be written in language that is understandable to
10 ~~lay persons~~ lay persons. The department shall widely publicize and distribute the guide to
11 consumers.

History: 1997 a. 231.

12 **SECTION 2094m.** 153.21 (2) of the statutes is created to read:

13 153.21 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare and
14 submit to the governor and to the chief clerk of each house of the legislature for
15 distribution to the legislature under s. 13.172 (2) an annual guide to assist
16 consumers in selecting hospitals and ambulatory surgery centers. The guide shall
17 be written in language that is understandable to lay persons and shall include data
18 derived from the annual survey of hospitals conducted by the American Hospital
19 Association and the annual hospital fiscal survey. The entity shall widely publicize
20 and distribute the guide to consumers.

21 **SECTION 2094n.** 153.22 of the statutes is created to read:

22 **153.22 Patient-level data utilization, charge, and quality report.** (1)
23 The entity under contract under s. 153.05 (2m) (a) shall prepare and submit to the
24 governor and to the chief clerk of each house of the legislature for distribution to the

1 legislature under s. 13.172 (2), an annual report that summarizes utilization, charge,
2 and quality data on patients treated by hospitals and ambulatory surgery centers
3 during the most recent calendar year.

****NOTE: The language for this report is taken from the first sentence of HFS 120.22 (2). I am not sure how the entity is going to be able to produce this report because, relying on the rules, the data sources for the report are required to include patient information derived from billing forms submitted by health care providers; if the “health care providers” include providers that are not hospitals or ambulatory surgery centers, I don’t see how the entity can have the information. I have written the statute so that it applies only to hospitals and ambulatory surgery centers, but here the statute and the rules will clash.

4 **SECTION 2094p.** 153.45 (2) of the statutes is amended to read:

5 153.45 (2) The department shall provide to other entities agencies or
6 organizations the data necessary to fulfill their statutory mandates for
7 epidemiological purposes or to minimize the duplicate collection of similar data
8 elements.

9 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. 9, 185/

SECTION 2094q. 153.45 (title) of the statutes is amended to read:

10 **153.45 (title) Release of data by department.**

11 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. 9, 185/

SECTION 2094r. 153.45 (1) (b) 1. of the statutes is renumbered 153.46 (1) (b) and
12 amended to read:

13 153.46 (1) (b) For information that is submitted by hospitals or ambulatory
14 surgery centers, public use data files that do not permit the identification of specific
15 patients, employers, or health care providers, ~~as defined by rules promulgated by the~~
16 ~~department.~~ The identification of patients, employers, or health care providers shall
17 be protected by all necessary means, including the deletion of patient identifiers and
18 the use of calculated variables and aggregated variables.

19 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. 9, 185/

SECTION 2094s. 153.45 (1) (b) 2. of the statutes is renumbered 153.45 (1) (b) and
20 153.45 (1) (b) (intro.), as renumbered, is amended to read:

1 153.45 (1) (b) (intro.) For information that is submitted by health care
2 providers other than hospitals or ambulatory surgery centers, public use data files
3 that do not permit the identification of specific patients, employers, or health care
4 providers, as defined by rules promulgated by the department. The identification of
5 patients, employers, or health care providers shall be protected by all necessary
6 means, including the deletion of patient identifiers; the use of calculated variables
7 and aggregated variables; the specification of counties as to residence, rather than
8 zip codes; the use of 5-year categories for age, rather than exact age; not releasing
9 information concerning a patient's race ~~or~~, ethnicity, or dates of admission,
10 discharge, procedures, or visits; and masking sensitive diagnoses and procedures by
11 use of larger diagnostic and procedure categories. Public use data files under this
12 ~~subdivision~~ ^{Paragraph} may include only the following:

13 **SECTION 2094t.** 153.45 (1) (c) (intro.)[✓] of the statutes is amended to read:

14 153.45 (1) (c) (intro.) Custom-designed reports containing portions of the data
15 under par. (b). Of information submitted by health care providers that are not
16 hospitals or ambulatory surgery centers, requests under this paragraph for data
17 elements other than those available for public use data files under par. (b) 2.,
18 including the patient's month and year of birth, require review and approval by the
19 independent review board before the data elements may be released. Information
20 that contains the name of a health care provider that is not a hospital or ambulatory
21 surgery center may be released only if the independent review board first reviews
22 and approves the release or if the department promulgates rules that specify
23 circumstances under which the independent review board need not review and

1 approve the release. Reports under this paragraph may include the patient's zip code
2 only if at least one of the following applies:

3 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. ~~g~~, 185.

3 **SECTION 2094u.** 153.45 (2) of the statutes is amended to read:

4 153.45 (2) The department shall provide to other ~~entities~~ agencies or to
5 organizations the data necessary to fulfill their statutory mandates for
6 epidemiological purposes or to minimize the duplicate collection of similar data
7 elements.

8 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. ~~b~~, 185.

8 **SECTION 2094v.** 153.45 (3) of the statutes is amended to read:

9 153.45 (3) The department may, but is not required to, release health care
10 provider-specific and employer-specific data that relates to health care providers
11 other than hospitals and ambulatory surgery centers, except in public use data files
12 as specified under sub. (1) (b), in a manner that is specified in rules promulgated by
13 the department.

14 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. ~~d~~, 185.

14 **SECTION 2094w.** 153.45 (5) of the statutes is amended to read:

15 153.45 (5) The department may not release any health care information that
16 is subject to rules promulgated under s. 153.75 (1) (b) until the verification, comment
17 and review procedures required under those rules have been complied with. Nothing
18 in this subsection prohibits release of ~~health care provider-specific~~ information to
19 the a health care provider that is not a hospital or ambulatory surgery center, to
20 whom the information ~~relates~~ is specific.

21 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231; 1999 a. 9, 185.

21 **SECTION 2094x.** 153.46 of the statutes is created to read:

1 **153.46 Release of data by entity.** (1) After completion of data verification,
2 comment, and review procedures, the entity under contract under s. 153.05 (2m) (a)[✓]
3 shall release data, together with comments, if any, in the following forms:

 ****NOTE: This is similar to language in s. 153.45 (1) (intro.). Does it apply to an
entity, i.e., does an entity have to verify data and allow comment and review?

4 (a) Standard reports.

 ****NOTE: Is the entity to produce these?

5 (c) Custom–designed reports containing portions of the data under par. (b).[✓]
6 Reports under this paragraph may include the patient's zip code only if at least one
7 of the following applies:

- 8 1. Other potentially identifying data elements are not released.
- 9 2. Population density is sufficient to mask patient identity.
- 10 3. Other potentially identifying data elements are grouped to provide
11 population density sufficient to protect identity.
- 12 4. Multiple years of data elements are added to protect identity.

 ****NOTE: This paragraph is similar to s. 153.45 (1) (c), but excludes reference to
health care providers that are not hospitals or ambulatory surgery centers. Is it your
intent to apply it to the entity? Does it contain the information you want?

13 **(1m)** After completion of data verification and review procedures specified
14 under s. 153.01 (4j)[✓], the entity may, but is not required to, release special data
15 compilations.

 ****NOTE: This provision corresponds to s. 153.45 (1m)[✓]; since the entity is, under
s. 153.05 (1) (b), required to follow procedures specified in rules promulgated under ch.
153,[✓] 2001 stats., I did not refer to rules or to approval by the oversight group.

16 **(2)** The entity under contract under s. 153.05 (2m) (a)[✓] shall provide to the
17 department and to any other organization or agency the data necessary to fulfill the
18 department's, organization's, or agency's statutory mandates for epidemiological
19 purposes.

 ****NOTE: This subsection mirrors s. 153.45 (2)[✓], stats. Is it what you want?

1 (3) The entity under contract under s. 153.05 (2m) (a) may, but is not required
 2 to, release hospital-specific, ambulatory surgery center-specific, and hospital or
 3 ambulatory surgery center employer-specific data, except in public use data files as
 4 specified under sub. (1) (b).

****NOTE: This subsection mirrors s. 153.45 (3), stats. Is it what you want? Note,
 again, that I did not refer to rules.

5 (4) The entity under contract under s. 153.05 (2m) (a) shall, as limited by s.
 6 ~~153.50 and 153.45~~ ^{and s. 153.50} provide equal access to the data collected and reports
 7 generated by the entity to all requesters that pay the fees under s. 153.65 (2).

8 (5) The entity under contract under s. 153.05 (2m) (a) shall provide to the
 9 department, without charge, claims and provider survey information that is
 10 requested by or required to be provided to the department.

11 (6) No person who purchases a data compilation or report under s. 153.65 (2)
 12 may release or sell the data sets so purchased, except that the department may
 13 release data and information as part of reports created by the department.

****NOTE: DHFS may release the entity's data and information as part of DHFS'
 reports? How does this jibe with the exclusive right of the entity to sell data under s.
 153.65 (2)?

14 **SECTION 2094y.** 153.50 (3) (intro.) of the statutes is amended to read:

15 153.50 (3) ~~DEPARTMENTAL MEASURES~~ MEASURES TO ENSURE PROTECTION OF PATIENT
 16 IDENTITY. (intro.) To ensure that the identity of patients is protected when
 17 information obtained by the department or by the entity under contract under s.
 18 153.05 (2m) (a) is disseminated, the department and the entity shall do all of the
 19 following:

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

20 **SECTION 2095c.** 153.50 (3) (a) of the statutes is amended to read:

1 153.50 (3) (a) Aggregate any data element category containing small numbers,
 2 using. The department, in doing so, shall use procedures that are developed by the
 3 department and approved by the board and that follow commonly accepted
 4 statistical methodology.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

5 **SECTION 2095d.** 153.50 (3) (b) (intro.) of the statutes is amended to read:

6 153.50 (3) (b) (intro.) Remove and destroy all of the following data elements on
 7 the uniform patient billing forms that are received by the department or by the entity
 8 under the requirements of this chapter:

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

9 **SECTION 2095e.** 153.50 (3) (b) 7. of the statutes is amended to read:

10 153.50 (3) (b) 7. The patient's account number, after use only as verification of
 11 data by the department or by the entity.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

12 **SECTION 2095f.** 153.50 (3) (d) of the statutes is amended to read:

13 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
 14 notarized the data use agreement of the department or of the entity specified in par.
 15 (c).

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

16 **SECTION 2095g.** 153.50 (4) (a) 1. of the statutes is renumbered 153.50 (4) (a)

17 1. a.

18 **SECTION 2095h.** 153.50 (4) (a) 1. b. of the statutes is created to read:

19 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)
 20 (a) who is responsible for the patient-identifiable data of the entity, in order to store
 21 the data and ensure the accuracy of the information in the database of the entity.

22 **SECTION 2095i.** 153.50 (4) (a) 2. of the statutes is amended to read:

1 153.50 (4) (a) 2. A health care provider that is not a hospital or ambulatory
2 surgery center or the agent of such a health care provider, to ensure the accuracy of
3 the information in the database of the department, or a health care provider that is
4 a hospital or ambulatory surgery center or the agent of such a health care provider,
5 to ensure the accuracy of the information in the database of the entity ~~which~~ under
6 contract under s. 153.05 (2m) (a).

7 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

8 **SECTION 2095j.** 153.50 (4) (a) 3. of the statutes is amended to read:

9 153.50 (4) (a) 3. The department, for purposes of epidemiological investigation
10 or, with respect to information from health care providers that are not hospitals or
11 ambulatory surgery centers, to eliminate the need for duplicative databases.

12 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

13 **SECTION 2095k.** 153.50 (4) (a) 4. of the statutes is amended to read:

14 153.50 (4) (a) 4. An entity agency or organization that is required by federal
15 or state statute to obtain patient-identifiable data for purposes of epidemiological
16 investigation or to eliminate the need for duplicative databases.

17 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

18 **SECTION 2095L.** 153.50 (5) (a) (intro.) of the statutes is amended to read:

19 153.50 (5) (a) (intro.) The department or an entity that is under contract under
20 s. 153.05 (2m) (a) may not release or provide access to patient-identifiable data to
21 a person authorized under sub. (4) (a) unless the authorized person requests the
department or entity, in writing, to release the patient-identifiable data. The
request shall include all of the following:

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

SECTION 2095m. 153.50 (5) (a) 4. (intro.) of the statutes is amended to read:

1 153.50 (5) (a) 4. (intro.) For an entity agency or organization that is authorized
2 under sub. (4) (a) 4. to receive or have access to patient-identifiable data, evidence,
3 in writing, of all of the following:

4 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

4 **SECTION 2095n.** 153.50 (5) (b) (intro.) of the statutes is amended to read:

5 153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department
6 or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall,
7 as soon as practicable, comply with the request or notify the requester, in writing, of
8 all of the following:

9 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

9 **SECTION 2095p.** 153.50 (5) (b) 1. of the statutes is amended to read:

10 153.50 (5) (b) 1. That the department or entity is denying the request in whole
11 or in part.

12 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

12 **SECTION 2095q.** 153.50 (6) (a) of the statutes is amended to read:

13 153.50 (6) (a) The department or entity ~~under contract~~ under contract under s. 153.05
14 (2m) (a) may not require a health care provider submitting health care information
15 under this chapter to include the patient's name, street address or social security
16 number.

17 History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1995 a. 27 s. 9126 (19); 1997 a. 27, 231; 1999 a. 9, 185.

17 **SECTION 2095rc.** 153.60 (1) of the statutes is amended to read:

18 153.60 (1) The department shall, by the first October 1 after the
19 commencement of each fiscal year, estimate the total amount of expenditures under
20 this chapter for the department and the board for that fiscal year for data collection,
21 database development and maintenance, generation of data files and standard
22 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
23 the board. The department shall assess the estimated total amount for that fiscal

1 year less the estimated total amount to be received for purposes of administration
 2 of this chapter under s. 20.435 (4) (hi) during the fiscal year, the unencumbered
 3 balance of the amount received for purposes of administration of this chapter under
 4 s. 20.435 (4) (hi) from the prior fiscal year and the amount in the appropriation
 5 account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to health care
 6 providers, other than hospitals and ambulatory surgery centers, who are in a class
 7 of health care providers from whom the department collects data under this chapter
 8 in a manner specified by the department by rule. The department shall obtain
 9 approval from the board for the amounts of assessments for health care providers
 10 other than hospitals and ambulatory surgery centers. The department shall work
 11 together with the department of regulation and licensing to develop a mechanism for
 12 collecting assessments from health care providers other than hospitals and
 13 ambulatory surgery centers. No health care provider that is not a facility may be
 14 assessed under this subsection an amount that exceeds \$75 per fiscal year. ~~Each~~
 15 ~~hospital shall pay the assessment on or before December 1.~~ All payments of
 16 assessments shall be ~~deposited in~~ credited to the appropriation under s. 20.435 (4)
 17 (hg).

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 178; 1993 a. 16; 1997 a. 27, 231, 237; 1999 a. 9, 185, 186.

18 ~~SECTION 2095rd. 153.65 of the statutes is renumbered 153.65 (1).~~

19 **SECTION 2095re.** 153.65 (2) of the statutes is created to read:

20 153.65 (2) Beginning January 1, 2004, unless the entity under contract under
 21 s. 153.05 (2m) (a) ¹otherwise agrees, the entity has the exclusive right to use and to
 22 provide for a fee, upon request from a person, a data compilation or a special report
 23 based on the information concerning hospitals and ambulatory surgery centers that
 24 is collected by the entity or provided by the department to the entity. Subject to

✓
 18
 19 INSERT 19-18

3

1 approval by the group specified under s. 154.01 (4j) (b), the entity shall establish
2 reasonable and necessary user fees for the provision of a compilation or report,
3 payable by the requester, which shall be sufficient to fund the actual necessary and
4 direct cost of the compilation or report. The entity may retain all user fees paid under
5 this subsection.

6 **SECTION 2095rf.** 153.75 (1) (a) of the statutes is amended to read:

7 153.75 (1) (a) Providing procedures, for information submitted by health care
8 providers who are not hospitals or ambulatory surgery centers, to ensure the
9 protection of patient confidentiality under s. 153.50.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

10 **SECTION 2095rg.** 153.75 (1) (b) of the statutes is amended to read:

11 153.75 (1) (b) Establishing procedures under which health care providers who
12 are not hospitals or ambulatory surgery centers are permitted to review, verify and
13 comment on information and include the comments with the information.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

14 **SECTION 2095rh.** 153.75 (1) (L) of the statutes is repealed.

15 **SECTION 2095ri.** 153.75 (1) (m) of the statutes is amended to read:

16 153.75 (1) (m) Specifying the classes of health care providers, other than
17 hospitals and ambulatory surgery centers, from whom claims data and other health
18 care information will be collected.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

19 **SECTION 2095rj.** 153.75 (1) (n) of the statutes is amended to read:

20 153.75 (1) (n) Specifying the uniform data set of health care information, as
21 adjusted for case mix and severity, to be collected from health care providers other
22 than hospitals and ambulatory surgery centers.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

23 **SECTION 2095rk.** 153.75 (1) (p) of the statutes is amended to read:

1 153.75 (1) (p) Specifying the methods for using and disseminating health care
2 data in order for health care providers other than hospitals and ambulatory surgery
3 centers to provide health care that is effective and economically efficient and for
4 consumers and purchasers to make informed decisions in selecting health care plans
5 and health care providers.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

6 **SECTION 2095rL.** 153.75 (1) (q) of the statutes is amended to read:

7 153.75 (1) (q) Specifying the information to be provided by the department in
8 the consumer guide under s. 153.21 (1).

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

9 **SECTION 2095rm.** 153.75 (1) (r) of the statutes is amended to read:

10 153.75 (1) (r) Specifying the standard reports that will be issued by the
11 department in addition to those required in ~~ss. 153.20 and s. 153.21~~ (1).

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

12 **SECTION 2095rn.** 153.75 (1) (t) of the statutes is amended to read:

13 153.75 (1) (t) Establishing standards for determining under s. 153.05 (13) (a)
14 if a requirement under s. 153.05 (1), (a) or (5) or (8) is burdensome for a health care
15 provider other than a hospital or ambulatory surgery center.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

16 **SECTION 2095rp.** 153.75 (1) (u) of the statutes is amended to read:

17 153.75 (1) (u) Specifying the methods for adjusting health care information
18 obtained from health care providers other than hospitals and ambulatory surgery
19 centers for case mix and severity.

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

20 **6.** Page 1078, line 17: after that line insert:

21 “(?) ^{10K} TRANSFER OF HEALTH CARE INFORMATION TO ENTITY; TRANSITION ASSISTANCE. (a)
22 Before 12 months have elapsed after a contract is agreed upon under section 153.05
23 (2m) of the statutes, as created by this act, the department of health and family

(a)

14

21

Now
STATS →

ff
^

1 services shall provide to the entity under that contract all health care information
 2 databases and ~~and~~ computer software related to hospitals and ambulatory surgery
 3 centers, including manuals, documentation, and program codes, that the
 4 department possesses under chapter 153 of the statutes, as affected by this act.

5 (b) The department of health and family services shall provide the entity under
 6 a contract under section 153.05 (2m) (a) of the statutes, as created by this act, with
 7 transition assistance concerning health care data collection and dissemination ~~in~~
 8 ~~order~~ to assist the entity in ensuring that the entity's program under the contract is
 9 functioning by January 1, 2004."

10 7. Page 1132, line 22: after that line insert:

11 *Non STITS* → ~~(a)~~ *JK* ASSESSMENTS ON HOSPITALS AND AMBULATORY SURGERY CENTERS. The
 12 treatment of section 153.60 (1) of the statutes takes effect on July 1, 2004."

13 (END)

D-NOTE

2095rd

Section # 153.65 of the statutes is renumbered 153.65 (1) and amended to read:

153.65 (1) ~~Provision of special information; user fees.~~ The department may, but is not required to, provide, upon request from a person, a data compilation or a special report based on the information collected by the department. The department shall establish user fees for the provision of these compilations or reports, payable by the requester, which shall be sufficient to fund the actual necessary and direct cost of the compilation or report. All moneys collected under this section shall be credited to the appropriation under s. 20.435 (4) (hi).

History: 1987 a. 399; 1993 a. 16, 104; 1997 a. 27, 231; 1999 a. 9.

subsection

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0146/P1dn

DAK.:...

WJ

To Kim Swissdorf:

Please review this draft very carefully; I have included various ****NOTES in the draft asking for clarification of intent. In addition, the following questions or comments relate specifically to the motion:

1. The motion requires the contracted entity to collect the data and information that BHI in DHFS currently collects from hospitals and ambulatory surgery centers. ~~In order to~~ ^{In} order to accomplish this, I have required the entity to collect, analyze, and disseminate the information required of DHFS under the 2001 statutes and rules (see s. 153.05 (1) (b)). Otherwise, unless vast text from the rules is incorporated into the statutes, I am doubtful that the entity can successfully be required to do what DHFS has done in the past. Where the motion requires production of a report (e.g., the hospital rate increase report) that is specified in the rules but not currently in ch. 153, stats., however, I have drafted a requirement for the report in the statutes (see, e.g., 153.08 (5)).
2. The motion makes no mention of provisions under s. 153.85, 153.86, or 153.90, stats. (provisions relating to civil liability, immunity from liability, and penalties). Are these not to apply? Note that, under this draft, without more, ss. 153.85 and 153.90 (1), stats., do apply, because they refer to violations under s. 153.50, which, under the draft, applies to the contracted entity.

Debora A. Kennedy
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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0146/P1dn
DAK:wlj:pg

May 20, 2003

To Kim Swissdorf:

Please review this draft very carefully; I have included various ****NOTES in the draft asking for clarification of intent. In addition, the following questions or comments relate specifically to the motion:

1. The motion requires the contracted entity to collect the data and information that BHI in DHFS currently collects from hospitals and ambulatory surgery centers. To accomplish this, I have required the entity to collect, analyze, and disseminate the information required of DHFS under the 2001 statutes and rules (see s. 153.05 (1) (b)). Otherwise, unless vast text from the rules is incorporated into the statutes, I am doubtful that the entity can successfully be required to do what DHFS has done in the past. Where the motion requires production of a report (e.g., the hospital rate increase report) that is specified in the rules but not currently in ch. 153, stats., however, I have drafted a requirement for the report in the statutes (see, e.g., 153.08 (5)).
2. The motion makes no mention of provisions under s. 153.85, 153.86, or 153.90, stats. (provisions relating to civil liability, immunity from liability, and penalties). Are these not to apply? Note that, under this draft, without more, ss. 153.85 and 153.90 (1), stats., do apply, because they refer to violations under s. 153.50, which, under the draft, applies to the contracted entity.

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Kennedy, Debora

From: Swissdorf, Kim
Sent: Friday, May 23, 2003 3:45 PM
To: Kennedy, Debora
Subject: Draft #146/P1

I have reviewed the draft with Charlie. I have several comments and questions for you. Let me know if you agree or disagree.

- ✓ Drafter's Note: #1--What you did is fine.
- ✓ Drafter's Note: #2--Based on the motion, there is nothing to say those sections should not apply, so leave as is.
- ✓ There was a feeling from our DOA analysts that there should be session law to reflect a one-time transfer in 2003-04 of \$750,000 from DHFS 20.435(4)(hg) to DOA 20.505(1)(im).
- ✓ Page 2, line 10: Our commerce/tax analysts indicated that 181.0103(17) and section 501(c)(6) under the Internal Revenue Code were different. The motion indicated that the non-profit definition was tied to 501(c)(6), so that's what should be referenced under the newly created 153.01(4j)?
- ✓ Page 2, line 15: Under 153.01(4j)(b): there should also be a line to reference "2 members named by the Association of Wisconsin Health Plans." *Wisconsin Association of Health Plans, Inc.*
- No; D-NOTE ✓ Page 2, line 23: Under 153.05(1): In addition to crossing out "hospitals," after "health care providers" should be "excluding ambulatory surgery centers."
- ✓ Page 5 Note: No approval by the group. The exception under (13)(b) is fine, but the group won't approve or make rules.
- ✓ Page 6, line 9: Should that read "insert after line 4" rather than "delete lines 4 to 14 and substitute" (see p 7, line 4) In the Gov's bill (draft #78/1), 153.05(8) was ~~deleted~~ *repealed*. However, the joint finance committee removed this item as policy, which reinstates (8). If that remains the case, the language in (8) will have to be modified to exclude hospitals and ASCs from "health care provider," and reference to (8) on page 7, line 10 will need to be reinstated.
- ✓ Page 7 Note: We want (13)(b), but do not want the group providing oversight or developing standards.
- ✓ Page 9 Note: Yes we want 153.10(2) for the entity.
- D-NOTE ✓ Page 10 Note: We are not going to address that potential issue because the motion was silent as to what happens with a conflict.
- ✓ Page 13 1st Note: Yes it applies to the entity.
- ✓ Page 13 2nd Note: Yes the entity is to produce standard reports.
- ✓ Page 14 1st Note: Yes 153.46(1)(c) should apply to the entity and contains the right information.
- ✓ Page 14 2nd Note: Perfect.
- ✓ Page 14 3rd Note: Yes it's what we want.
- ✓ Page 14 4th Note: Yes it's what we want.
- D-NOTE ✓ Page 15 Note: We are not going to address that potential issue because the motion was silent as to what would happen.
- ✓ Page 21 after line 3: 153.75(2)(a)--should we exclude hospitals and ambulatory surgery centers from hospital providers?

Let me know what you think, if you have any questions, or if you need more information. Thanks a lot!!!! And, have a good weekend.

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Kim.Swissdorf@legis.state.wi.us



D-NOTE

LFB:.....Swissdorf (CM) – Hospital and ambulatory surgery center data collection

FOR 2003-05 BUDGET — NOT READY FOR INTRODUCTION
SENATE AMENDMENT,
TO 2003 SENATE BILL 44

LPS: All **** NOTES
Should be deleted.

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 114, line 16: before “and” insert “153.05 (2m) (a).”
- 3 **2.** Page 115, line 15: after that line insert:
- 4 “**SECTION 214b.** 16.752 (12) (a) of the statutes is amended to read:
- 5 16.752 (12) (a) Except as provided in pars. (c), (d), (h) ~~and~~, (i), and (j) and as
- 6 authorized under sub. (13), agencies shall obtain materials, supplies, equipment and
- 7 services on the list maintained by the board under sub. (2) (g).”
- 8 **3.** Page 115, line 18: after that line insert:
- 9 “**SECTION 215c.** 16.752 (12) (j) of the statutes is created to read:
- 10 16.752 (12) (j) Paragraph (a) does not apply to services purchased under a
- 11 contract under s. 153.05 (2m) (a).”

1 4. Page 371, line 6: after that line insert:

2 "SECTION 458r. 20.435 (4) (hi) of the statutes is amended to read:

3 20.435 (4) (hi) *Compilations and special reports.* All moneys received from user
4 fees imposed under s. 153.65 (1) for the purpose of financing the costs of the
5 department of health and family services of producing special data compilations or
6 special reports under s. 153.65."

*described in section 501(c)(6) of
the Internal Revenue Code and is
exempt from federal income
tax under section 501(a)
of the Internal
Revenue Code*

INSERT 2-6

7 5. Page 842, line 2: after that line insert:

8 "SECTION 2092c. 153.01 (4j) of the statutes is created to read:

9 153.01 (4j) "Entity" means a nonstock corporation organized under ch. 181 that

10 is ~~nonprofit corporation~~, as defined in s. 181.0103 (1)(a), and that does all of the
11 following:

12 (a) Represents at least 70% of the hospitals in Wisconsin.

13 (b) Receives oversight with respect to services performed by the entity under
14 this chapter from a group that is composed of all of the following:

15 1. The secretary of health and family services, who shall serve as chairperson
16 and nonvoting member of the group.

17 2. Two members designated by Wisconsin Manufacturers and Commerce, Inc.

18 ~~3. One member designated by the Wisconsin State AFL-CIO.~~

19 ~~4. Two members designated by the Wisconsin Hospital Association, Inc.~~

20 ~~5. One member designated by the speaker of the assembly.~~

21 ~~6. One member designated by the senate majority leader.~~

22 SECTION 2092d. 153.05 (1) of the statutes is amended to read:

23 153.05 (1) In order to provide to hospitals, health care providers, insurers,
24 consumers, governmental agencies and others information concerning health care

*30 Two members designated by the Wisconsin Association of
Health Plans, Inc.*

1 providers and uncompensated health care services, and in order to provide
2 information to assist in peer review for the purpose of quality assurance, ~~the~~

3 (a) The department shall collect from health care providers other than
4 hospitals and ambulatory surgery centers, analyze, and disseminate health care
5 information, as adjusted for case mix and severity, in language that is
6 understandable to ~~lay persons~~ laypersons.

ch 153

7 **SECTION 2092e.** 153.05 (1) (b) of the statutes is created to read:

8 153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from
9 hospitals and ambulatory surgery centers the health care information required of
10 hospitals and ambulatory surgery centers by the department under ~~this chapter~~,
11 2001 stats., and the rules promulgated under ~~this chapter~~, 2001 stats., including, by
12 the date that is 18 months after the date of the contract under sub. (2m) (a), all
13 outpatient hospital-based services. The entity shall analyze and disseminate that
14 health care information, as adjusted for case mix and severity, in the manner
15 required under this chapter, under ~~this chapter~~, 2001 stats., and under the rules
16 promulgated under ~~this chapter~~, 2001 stats., and in language that is understandable
17 to laypersons.

.... [revisor inserts date]

18 **SECTION 2092f.** 153.05 (2m) of the statutes is created to read:

19 153.05 (2m) (a) Notwithstanding s. 16.75 (1), (2), and (3m), by the date that is
20 the first day of the 2nd month after the effective date of this paragraph, the
21 department of administration shall contract with an entity to perform services under
22 this chapter that are specified for the entity with respect to the collection, analysis,
23 and dissemination of health care information of hospitals and ambulatory surgery
24 centers. The department of administration may not, by this contract, require from
25 the entity any collection, analysis, or dissemination of health care information of

↑ from the appropriation under s. 20.505 (1) (im); ↑

1 hospitals and ambulatory surgery centers that is in addition to that required under
2 this chapter, and may include in the contract only terms standard to contracts with
3 the department of administration under subch. IV of ch. 16.

4 (b) Biennially, the group specified under s. 153.01 (4j) (b) shall review the
5 entity's performance, including the timeliness and quality of the reports generated
6 by the entity. If the group is dissatisfied with the entity's performance, the group may
7 recommend to the department of administration that that department use a
8 competitive request-for-proposal process to solicit offers from other organizations
9 for performance of the services. If no organization responds to the request for
10 proposal, the department of health and family services shall perform the services
11 specified for the entity with respect to the collection, analysis, and dissemination of
12 health care information of hospitals and ambulatory surgery centers under this
13 chapter.

14 **SECTION 2092g.** 153.05 (3) of the statutes is renumbered 153.05 (3) (a) and
15 amended to read:

16 153.05 (3) (a) Upon request of the department for health care information
17 relating to health care providers other than hospitals and ambulatory surgery
18 centers, state agencies shall provide that health care information to the department
19 for use in preparing reports under this chapter.

20 **SECTION 2092h.** 153.05 (3) (b) of the statutes is created to read:

21 153.05 (3) (b) Upon request of the entity under contract under sub. (2m) (a) for
22 health care information relating to hospitals and ambulatory surgery centers, state
23 agencies shall provide that health care information to the entity for use in preparing
24 reports under this chapter.

1 **SECTION 2092i.** 153.05 (5) of the statutes is renumbered 153.05 (5) (a) and
2 amended to read:

3 153.05 (5) (a) Unless sub. (13) (a) applies, the department may require health
4 care providers other than hospitals and ambulatory surgery centers to submit to the
5 department information specified by rule under s. 153.75 (1) (n) for the preparation
6 of reports, plans, and recommendations in the form specified by the department by
7 rule.

8 **SECTION 2092j.** 153.05 (5) (b) of the statutes is created to read:

9 153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
10 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the
11 entity information for the preparation of reports, plans, and recommendations in the
12 form specified by the entity.

****NOTE: For DHFS, under s. 153.05 (5) (a) this information is required to be
specified by rule. For the entity, should the information be required to be approved by
the group? Do you want the exception for sub. (13)?

13 **SECTION 2092k.** 153.05 (6) of the statutes is amended to read:

14 153.05 (6) The department may contract with a public or private entity
15 organization that is not a major purchaser, payer or provider of health care services
16 in this state for the provision of data processing services for the collection, analysis
17 and dissemination of health care information under sub. (1) (a).

18 **SECTION 2092L.** 153.05 (6r) of the statutes is amended to read:

19 153.05 (6r) The department shall study and, based on the results of the study,
20 may develop and implement a voluntary system of health care plan reporting that
21 enables purchasers and consumers to assess the performance of health care plans
22 and the health care providers, other than hospitals and ambulatory surgery centers,
23 that are employed or reimbursed by the health care plans. The department shall

1 undertake the study and any development and implementation in cooperation with
 2 private health care purchasers, the board, the department of employee trust funds,
 3 the office of the commissioner of insurance, the interagency coordinating council
 4 created under s. 15.107 (7), major associations of health care providers, health care
 5 plans and consumers. If implemented, the department shall operate the system in
 6 a manner so as to enable purchasers, consumers, the public, the governor and
 7 legislators to assess the performance of health care plans and health care providers
 8 other than hospitals and ambulatory surgery centers."

9
 10
 INSERT 6-9

6. Page 842, line 4: delete lines 4 to 14 and substitute:

SECTION 2093c. 153.05 (9) of the statutes is renumbered 153.05 (9) (a) and amended to read:

153.05 (9) (a) The department shall provide orientation and training to health care providers, other than hospitals and ambulatory surgery centers, who submit data under this chapter, to explain the process of data collection and analysis and the procedures for data verification, comment, interpretation, and release.

SECTION 2093d. 153.05 (9) (b) of the statutes is created to read:

153.05 (9) (b) The entity under contract under sub. (2m) (a) shall provide orientation and training to hospitals and ambulatory surgery centers that submit data under this chapter, to explain the process of data collection and analysis and the procedures for data verification, comment, interpretation, and release.

SECTION 2093e. 153.05 (12) of the statutes is renumbered 153.05 (12) (a).

SECTION 2093f. 153.05 (12) (b) of the statutes is created to read:

1 153.05 (12) (b) The entity under contract under sub. (2m) (a) shall, to the extent
2 possible and upon request, assist members of the public in interpreting data in
3 health care information disseminated by the entity.

4 ~~1. Page 842, line 4: delete lines 4 to 14 and substitute~~

5 SECTION 2094c. 153.05 (13) of the statutes is renumbered 153.05 (13) (a) and
6 amended to read:

7 153.05 (13) (a) The department may waive the requirement under sub. (1) (a)
8 ~~(5) or (8)~~ (a) for a health care provider, other than a hospital or ambulatory surgery
9 center, who requests the waiver and presents evidence to the department that the
10 requirement under sub. (1) (a) ~~(5) or (8)~~ (a) is burdensome, under standards
11 established by the department by rule. The department shall develop a form for use
12 by ~~a~~ the health care provider in submitting a request under this subsection
13 paragraph.

14 SECTION 2094d. 153.05 (13) (b) of the statutes is created to read:
15 153.05 (13) (b) The entity under contract under sub. (2m) (a) may waive the
16 requirement under sub. (1) (b) ~~or (5) (b)~~ for a hospital or ambulatory surgery center
17 that requests the waiver and presents evidence to the entity that the requirement
18 under sub. (1) (b) ~~or (5) (b)~~ is burdensome. The entity shall develop a form for use
19 by the hospital or ambulatory surgery center in submitting a request under this
20 paragraph.

****NOTE: Do you want this provision? Should the group providing oversight be required to develop standards (see s. 153.05 (13) (a))?

21 SECTION 2094e. 153.07 (1) of the statutes is amended to read:

1 153.07 (1) The board shall advise the department with regard to the collection,
2 analysis and dissemination of health care information required of the department
3 by this chapter.

4 **SECTION 2094f.** 153.07 (4) (b) of the statutes is amended to read:

5 153.07 (4) (b) Provide oversight on the standard reports required of the
6 department under this chapter, including the reports report under ~~ss. 153.20 and s.~~
7 153.21 (1).

8 **SECTION 2094g.** 153.07 (4) (c) of the statutes is amended to read:

9 153.07 (4) (c) Develop the overall strategy and direction for implementation of
10 the department's duties and powers under this chapter.

11 **SECTION 2094h.** 153.08 (5) of the statutes is created to read:

12 153.08 (5) The entity under contract under s. 153.05 (2m) (a) shall annually
13 publish a hospital rate increase report that contains all of the following information:

14 (a) For each hospital that publishes a notice under sub. (4), all of the following:

15 1. The name of the hospital and the city, village, or town in which the hospital
16 is located.

17 2. The date the rate increase is to take effect.

18 3. The annualized percentage rate increase that will result.

19 4. The geographic area of analysis in which the hospital is located.

20 (b) A list of hospitals that have closed since 1993.

21 **SECTION 2094i.** 153.10 of the statutes is renumbered 153.10 (1) and amended
22 to read:

23 153.10 (1) The department shall prepare, and submit to the governor and the
24 chief clerk of each house of the legislature for distribution to the legislature under
25 s. 13.172 (2), standard reports concerning health care providers other than hospitals

1 and ambulatory surgery centers that the department prepares and shall collect
2 information necessary for preparation of those reports.

3 **SECTION 2094j.** 153.10 (2) of the statutes is created to read:

4 153.10 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare, and
5 submit to the governor and the chief clerk of each house of the legislature for
6 distribution to the legislature under s. 13.172 (2), standard reports concerning
7 hospitals and ambulatory surgery centers that the entity prepares and shall collect
8 information necessary for preparation of those reports.

****NOPE: Do you want this requirement for the entity?****

9 **SECTION 2094k.** 153.20 of the statutes is amended to read:

10 **153.20 Uncompensated health care services report.** (1) ~~The department~~
11 entity under contract under s. 153.05 (2m) (a) shall prepare, and submit to the
12 governor and to the chief clerk of each house of the legislature for distribution to the
13 legislature under s. 13.172 (2), an annual report setting forth the number of patients
14 to whom uncompensated health care services were provided by each hospital and the
15 total charges for the uncompensated health care services provided to the patients for
16 the preceding year, together with the number of patients and the total charges that
17 were projected by the hospital for that year in the plan filed under sub. (2).

18 (2) Every hospital shall file with the ~~department~~ entity under contract under
19 s. 153.05 (2m) (a) an annual plan setting forth the projected number of patients to
20 whom uncompensated health care services will be provided by the hospital and the
21 projected total charges for the uncompensated health care services to be provided to
22 the patients for the ensuing year.

23 **SECTION 2094L.** 153.21 of the statutes is renumbered 153.21 (1) and amended
24 to read:

1 153.21 (1) The department shall prepare and submit to the governor and to the
2 chief clerk of each house of the legislature for distribution to the legislature under
3 s. 13.172 (2) an annual guide to assist consumers in selecting health care providers
4 other than hospitals and ambulatory surgery centers and health care plans. The
5 guide shall be written in language that is understandable to ~~lay persons~~ laypersons.
6 The department shall widely publicize and distribute the guide to consumers.

7 **SECTION 2094m.** 153.21 (2) of the statutes is created to read:

8 153.21 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare and
9 submit to the governor and to the chief clerk of each house of the legislature for
10 distribution to the legislature under s. 13.172 (2) an annual guide to assist
11 consumers in selecting hospitals and ambulatory surgery centers. The guide shall
12 be written in language that is understandable to laypersons and shall include data
13 derived from the annual survey of hospitals conducted by the American Hospital
14 Association and the annual hospital fiscal survey. The entity shall widely publicize
15 and distribute the guide to consumers.

16 **SECTION 2094n.** 153.22 of the statutes is created to read:

17 **153.22 Patient-level data utilization, charge, and quality report.** (1)
18 The entity under contract under s. 153.05 (2m) (a) shall prepare and submit to the
19 governor and to the chief clerk of each house of the legislature for distribution to the
20 legislature under s. 13.172 (2), an annual report that summarizes utilization, charge,
21 and quality data on patients treated by hospitals and ambulatory surgery centers
22 during the most recent calendar year.

****NOTE: The language for this report is taken from the first sentence of HFS 120.22 (2). I am not sure how the entity is going to be able to produce this report because, relying on the rules, the data sources for the report are required to include patient information derived from billing forms submitted by health care providers; if the "health care providers" include providers that are not hospitals or ambulatory surgery centers,

I don't see how the entity can have the information. I have written the statute so that it applies only to hospitals and ambulatory surgery centers, but here the statute and the rules will clash.

1 **SECTION 2094q.** 153.45 (title) of the statutes is amended to read:

2 **153.45 (title) Release of data by department.**

3 **SECTION 2094r.** 153.45 (1) (b) 1. of the statutes is renumbered 153.46 (1) (b) and
4 amended to read:

5 153.46 (1) (b) For information that is submitted by hospitals or ambulatory
6 surgery centers, public use data files that do not permit the identification of specific
7 patients, employers, or health care providers, ~~as defined by rules promulgated by the~~
8 ~~department.~~ The identification of patients, employers, or health care providers shall
9 be protected by all necessary means, including the deletion of patient identifiers and
10 the use of calculated variables and aggregated variables.

11 **SECTION 2094s.** 153.45 (1) (b) 2. of the statutes is renumbered 153.45 (1) (b) and
12 153.45 (1) (b) (intro.), as renumbered, is amended to read:

13 153.45 (1) (b) (intro.) For information that is submitted by health care
14 providers other than hospitals or ambulatory surgery centers, public use data files
15 that do not permit the identification of specific patients, employers, or health care
16 providers, as defined by rules promulgated by the department. The identification of
17 patients, employers, or health care providers shall be protected by all necessary
18 means, including the deletion of patient identifiers; the use of calculated variables
19 and aggregated variables; the specification of counties as to residence, rather than
20 zip codes; the use of 5-year categories for age, rather than exact age; not releasing
21 information concerning a patient's race or ethnicity, or dates of admission,
22 discharge, procedures, or visits; and masking sensitive diagnoses and procedures by

1 use of larger diagnostic and procedure categories. Public use data files under this
2 subdivision paragraph may include only the following:

3 **SECTION 2094t.** 153.45 (1) (c) (intro.) of the statutes is amended to read:

4 153.45 (1) (c) (intro.) Custom–designed reports containing portions of the data
5 under par. (b). Of information submitted by health care providers that are not
6 hospitals or ambulatory surgery centers, requests under this paragraph for data
7 elements other than those available for public use data files under par. (b) 2.,
8 including the patient’s month and year of birth, require review and approval by the
9 independent review board before the data elements may be released. Information
10 that contains the name of a health care provider that is not a hospital or ambulatory
11 surgery center may be released only if the independent review board first reviews
12 and approves the release or if the department promulgates rules that specify
13 circumstances under which the independent review board need not review and
14 approve the release. Reports under this paragraph may include the patient’s zip code
15 only if at least one of the following applies:

16 **SECTION 2094u.** 153.45 (2) of the statutes is amended to read:

17 153.45 (2) The department shall provide to other ~~entities~~ agencies or to
18 organizations the data necessary to fulfill their statutory mandates for
19 epidemiological purposes or to minimize the duplicate collection of similar data
20 elements.

21 **SECTION 2094v.** 153.45 (3) of the statutes is amended to read:

22 153.45 (3) The department may, but is not required to, release health care
23 provider–specific and employer–specific data that relates to health care providers
24 other than hospitals and ambulatory surgery centers, except in public use data files

1 as specified under sub. (1) (b), in a manner that is specified in rules promulgated by
2 the department.

3 **SECTION 2094w.** 153.45 (5) of the statutes is amended to read:

4 153.45 (5) The department may not release any health care information that
5 is subject to rules promulgated under s. 153.75 (1) (b) until the verification, comment
6 and review procedures required under those rules have been complied with. Nothing
7 in this subsection prohibits release of ~~health care provider specific~~ information to
8 the a health care provider that is not a hospital or ambulatory surgery center, to
9 whom the information relates is specific.

10 **SECTION 2094x.** 153.46 of the statutes is created to read:

11 **153.46 Release of data by entity.** (1) After completion of data verification,
12 comment, and review procedures, the entity under contract under s. 153.05 (2m) (a)
13 shall release data, together with comments, if any, in the following forms:

~~****NOTE: This is similar to language in s. 153.45 (1) (intro.) Does it apply to an
entity, i.e., does an entity have to verify data and allow comment and review?~~

14 (a) Standard reports.

~~****NOTE: Is the entity to produce these?~~

15 (c) Custom-designed reports containing portions of the data under par. (b).
16 Reports under this paragraph may include the patient's zip code only if at least one
17 of the following applies:

- 18 1. Other potentially identifying data elements are not released.
- 19 2. Population density is sufficient to mask patient identity.
- 20 3. Other potentially identifying data elements are grouped to provide
21 population density sufficient to protect identity.
- 22 4. Multiple years of data elements are added to protect identity.

****NOTE: This paragraph is similar to s. 153.45 (1) (c), but excludes reference to health care providers that are not hospitals or ambulatory surgery centers. Is it your intent to apply it to the entity? Does it contain the information you want?

1 (1m) After completion of data verification and review procedures specified
2 under s. 153.01 (4j), the entity may, but is not required to, release special data
3 compilations.

****NOTE: This provision corresponds to s. 153.45 (1m); since the entity is, under s. 153.05 (1) (b), required to follow procedures specified in rules promulgated under ch. 153, 2001 stats., I did not refer to rules or to approval by the oversight group.

4 (2) The entity under contract under s. 153.05 (2m) (a) shall provide to the
5 department and to any other organization or agency the data necessary to fulfill the
6 department's, organization's, or agency's statutory mandates for epidemiological
7 purposes.

****NOTE: This subsection mirrors s. 153.45 (2), stats. Is it what you want?

8 (3) The entity under contract under s. 153.05 (2m) (a) may, but is not required
9 to, release hospital-specific, ambulatory surgery center-specific, and hospital or
10 ambulatory surgery center employer-specific data, except in public use data files as
11 specified under sub. (1) (b).

****NOTE: This subsection mirrors s. 153.45 (3), stats. Is it what you want? Note, again, that I did not refer to rules.

12 (4) The entity under contract under s. 153.05 (2m) (a) shall, as limited by this
13 section and s. 153.50, provide equal access to the data collected and reports
14 generated by the entity to all requesters that pay the fees under s. 153.65 (2).

15 (5) The entity under contract under s. 153.05 (2m) (a) shall provide to the
16 department, without charge, claims and provider survey information that is
17 requested by or required to be provided to the department.

1 **(6)** No person who purchases a data compilation or report under s. 153.65 (2)
2 may release or sell the data sets so purchased, except that the department may
3 release data and information as part of reports created by the department.

****NOTE: DHFS may release the entity's data and information as part of DHFS'
reports? How does this jibe with the exclusive right of the entity to sell data under s.
153.65 (2)?

4 **SECTION 2094y.** 153.50 (3) (intro.) of the statutes is amended to read:

5 **153.50 (3) ~~DEPARTMENTAL MEASURES~~ MEASURES TO ENSURE PROTECTION OF PATIENT**
6 **IDENTITY.** (intro.) To ensure that the identity of patients is protected when
7 information obtained by the department or by the entity under contract under s.
8 153.05 (2m) (a) is disseminated, the department and the entity shall do all of the
9 following:

10 **SECTION 2095c.** 153.50 (3) (a) of the statutes is amended to read:

11 **153.50 (3) (a)** Aggregate any data element category containing small numbers,
12 using. The department, in so doing, shall use procedures that are developed by the
13 department and approved by the board and that follow commonly accepted
14 statistical methodology.

15 **SECTION 2095d.** 153.50 (3) (b) (intro.) of the statutes is amended to read:

16 **153.50 (3) (b) (intro.)** Remove and destroy all of the following data elements on
17 the uniform patient billing forms that are received by the department or by the entity
18 under the requirements of this chapter:

19 **SECTION 2095e.** 153.50 (3) (b) 7. of the statutes is amended to read:

20 **153.50 (3) (b) 7.** The patient's account number, after use only as verification of
21 data by the department or by the entity.

22 **SECTION 2095f.** 153.50 (3) (d) of the statutes is amended to read:

1 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
2 notarized the data use agreement of the department or of the entity specified in par.
3 (c).

4 **SECTION 2095g.** 153.50 (4) (a) 1. of the statutes is renumbered 153.50 (4) (a)
5 1. a.

6 **SECTION 2095h.** 153.50 (4) (a) 1. b. of the statutes is created to read:

7 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)
8 (a) who is responsible for the patient–identifiable data of the entity, in order to store
9 the data and ensure the accuracy of the information in the database of the entity.

10 **SECTION 2095i.** 153.50 (4) (a) 2. of the statutes is amended to read:

11 153.50 (4) (a) 2. A health care provider that is not a hospital or ambulatory
12 surgery center or the agent of such a health care provider, to ensure the accuracy of
13 the information in the database of the department, or a health care provider that is
14 a hospital or ambulatory surgery center or the agent of such a health care provider,
15 to ensure the accuracy of the information in the database of the entity under contract
16 under s. 153.05 (2m) (a).

17 **SECTION 2095j.** 153.50 (4) (a) 3. of the statutes is amended to read:

18 153.50 (4) (a) 3. The department, for purposes of epidemiological investigation
19 or, with respect to information from health care providers that are not hospitals or
20 ambulatory surgery centers, to eliminate the need for duplicative databases.

21 **SECTION 2095k.** 153.50 (4) (a) 4. of the statutes is amended to read:

22 153.50 (4) (a) 4. An entity agency or organization that is required by federal
23 or state statute to obtain patient–identifiable data for purposes of epidemiological
24 investigation or to eliminate the need for duplicative databases.

25 **SECTION 2095L.** 153.50 (5) (a) (intro.) of the statutes is amended to read:

1 153.50 (5) (a) (intro.) The department or an entity that is under contract under
2 s. 153.05 (2m) (a) may not release or provide access to patient-identifiable data to
3 a person authorized under sub. (4) (a) unless the authorized person requests the
4 department or entity, in writing, to release the patient-identifiable data. The
5 request shall include all of the following:

6 **SECTION 2095m.** 153.50 (5) (a) 4. (intro.) of the statutes is amended to read:

7 153.50 (5) (a) 4. (intro.) For an entity agency or organization that is authorized
8 under sub. (4) (a) 4. to receive or have access to patient-identifiable data, evidence,
9 in writing, of all of the following:

10 **SECTION 2095n.** 153.50 (5) (b) (intro.) of the statutes is amended to read:

11 153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department
12 or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall, as
13 soon as practicable, comply with the request or notify the requester, in writing, of all
14 of the following:

15 **SECTION 2095p.** 153.50 (5) (b) 1. of the statutes is amended to read:

16 153.50 (5) (b) 1. That the department or entity is denying the request in whole
17 or in part.

18 **SECTION 2095q.** 153.50 (6) (a) of the statutes is amended to read:

19 153.50 (6) (a) The department or entity under contract under s. 153.05 (2m) (a)
20 may not require a health care provider submitting health care information under
21 this chapter to include the patient's name, street address or social security number.

22 **SECTION 2095rc.** 153.60 (1) of the statutes is amended to read:

23 153.60 (1) The department shall, by the first October 1 after the
24 commencement of each fiscal year, estimate the total amount of expenditures under
25 this chapter for the department and the board for that fiscal year for data collection,

1 database development and maintenance, generation of data files and standard
2 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
3 the board. The department shall assess the estimated total amount for that fiscal
4 year less the estimated total amount to be received for purposes of administration
5 of this chapter under s. 20.435 (4) (hi) during the fiscal year, the unencumbered
6 balance of the amount received for purposes of administration of this chapter under
7 s. 20.435 (4) (hi) from the prior fiscal year and the amount in the appropriation
8 account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to health care
9 providers, other than hospitals and ambulatory surgery centers, who are in a class
10 of health care providers from whom the department collects data under this chapter
11 in a manner specified by the department by rule. The department shall obtain
12 approval from the board for the amounts of assessments for health care providers
13 other than hospitals and ambulatory surgery centers. The department shall work
14 together with the department of regulation and licensing to develop a mechanism for
15 collecting assessments from health care providers other than hospitals and
16 ambulatory surgery centers. No health care provider that is not a facility may be
17 assessed under this subsection an amount that exceeds \$75 per fiscal year. ~~Each~~
18 ~~hospital shall pay the assessment on or before December 1.~~ All payments of
19 assessments shall be ~~deposited in~~ credited to the appropriation under s. 20.435 (4)
20 (hg).

21 **SECTION 2095rd.** 153.65 of the statutes is renumbered 153.65 (1) and amended
22 to read:

23 153.65 (1) The department may, but is not required to, provide, upon request
24 from a person, a data compilation or a special report based on the information
25 collected by the department. The department shall establish user fees for the

1 provision of these compilations or reports, payable by the requester, which shall be
2 sufficient to fund the actual necessary and direct cost of the compilation or report.
3 All moneys collected under this section ~~subsection~~ shall be credited to the
4 appropriation under s. 20.435 (4) (hi).

5 **SECTION 2095re.** 153.65 (2) of the statutes is created to read:

6 153.65 (2) Beginning January 1, 2004, unless the entity under contract under
7 s. 153.05 (2m) (a) otherwise agrees, the entity has the exclusive right to use and to
8 provide for a fee, upon request from a person, a data compilation or a special report
9 based on the information concerning hospitals and ambulatory surgery centers that
10 is collected by the entity or provided by the department to the entity. Subject to
11 approval by the group specified under s. 153.01 (4j) (b), the entity shall establish
12 reasonable and necessary user fees for the provision of a compilation or report,
13 payable by the requester, which shall be sufficient to fund the actual necessary and
14 direct cost of the compilation or report. The entity may retain all user fees paid under
15 this subsection.

16 **SECTION 2095rf.** 153.75 (1) (a) of the statutes is amended to read:

17 153.75 (1) (a) Providing procedures, for information submitted by health care
18 providers who are not hospitals or ambulatory surgery centers, to ensure the
19 protection of patient confidentiality under s. 153.50.

20 **SECTION 2095rg.** 153.75 (1) (b) of the statutes is amended to read:

21 153.75 (1) (b) Establishing procedures under which health care providers who
22 are not hospitals or ambulatory surgery centers are permitted to review, verify and
23 comment on information and include the comments with the information.

24 **SECTION 2095rh.** 153.75 (1) (L) of the statutes is repealed.

25 **SECTION 2095ri.** 153.75 (1) (m) of the statutes is amended to read:

and except as provided
in s. 153.46
(6)

1 153.75 (1) (m) Specifying the classes of health care providers, other than
2 hospitals and ambulatory surgery centers, from whom claims data and other health
3 care information will be collected.

4 **SECTION 2095rj.** 153.75 (1) (n) of the statutes is amended to read:

5 153.75 (1) (n) Specifying the uniform data set of health care information, as
6 adjusted for case mix and severity, to be collected from health care providers other
7 than hospitals and ambulatory surgery centers.

8 **SECTION 2095rk.** 153.75 (1) (p) of the statutes is amended to read:

9 153.75 (1) (p) Specifying the methods for using and disseminating health care
10 data in order for health care providers other than hospitals and ambulatory surgery
11 centers to provide health care that is effective and economically efficient and for
12 consumers and purchasers to make informed decisions in selecting health care plans
13 and health care providers.

14 **SECTION 2095rL.** 153.75 (1) (q) of the statutes is amended to read:

15 153.75 (1) (q) Specifying the information to be provided by the department in
16 the consumer guide under s. 153.21 (1).

17 **SECTION 2095rm.** 153.75 (1) (r) of the statutes is amended to read:

18 153.75 (1) (r) Specifying the standard reports that will be issued by the
19 department in addition to those required in ~~ss. 153.20~~ and s. 153.21 (1).

20 **SECTION 2095rn.** 153.75 (1) (t) of the statutes is amended to read:

21 153.75 (1) (t) Establishing standards for determining under s. 153.05 (13) (a)
22 if a requirement under s. 153.05 (1) ~~(a)~~ (5) ~~or (8)~~ (a) is burdensome for a health
23 care provider other than a hospital or ambulatory surgery center.

24 **SECTION 2095rp.** 153.75 (1) (u) of the statutes is amended to read:

Handwritten annotations: A box labeled "PLAIN TEXT" with an arrow pointing to the word "determining" in line 21. A circled "2" above the word "determining". A circled "(a)" with an arrow pointing to the word "(a)" in line 22. A circled "(a)" with an arrow pointing to the word "(a)" in line 22. A box labeled "STET plain" with an arrow pointing to the word "determining" in line 21.

1 153.75 (1) (u) Specifying the methods for adjusting health care information
2 obtained from health care providers other than hospitals and ambulatory surgery
3 centers for case mix and severity.

INSERT
2-3

4 **8.** Page 1078, line 17: after that line insert:

5 “(10k) TRANSFER OF HEALTH CARE INFORMATION TO ENTITY; TRANSITION ASSISTANCE.

6 (a) Before 12 months have elapsed after a contract is agreed upon under section
7 153.05 (2m) of the statutes, as created by this act, the department of health and
8 family services shall provide to the entity under that contract all health care
9 information databases and computer software related to hospitals and ambulatory
10 surgery centers, including manuals, documentation, and program codes, that the
11 department possesses under chapter 153 of the statutes, as affected by this act.

12 (b) The department of health and family services shall provide the entity under
13 contract under section 153.05 (2m) (a) of the statutes, as created by this act, with
14 transition assistance concerning health care data collection and dissemination to
15 assist the entity in ensuring that the entity’s program under the contract is
16 functioning by January 1, 2004.”.

INSERT 2-16 →

17 **9.** Page 1132, line 22: after that line insert:

18 “(11k) ASSESSMENTS ON HOSPITALS AND AMBULATORY SURGERY CENTERS. The
19 treatment of section 153.60 (1) of the statutes takes effect on July 1, 2004.”.

20 (END)

D-NOTE

[INSERT 2-6]

(I)

✓ #. Page 393, line 15; after "units" insert

(I)

entity contract ✓₀

✓ #. Page 393, line 17; delete "and" and

substitute ✓ and ✓₀

✓ #. Page 393, line 19; after "(15)" insert

" ; and to contract with an entity under s.

153.05 (2m)(a) ✓₀

209369
Section #. 153.05 (8) of the statutes is

remembered 153.05 (8)(a) and amended to read:

Please fix component

(a) 153.05 (8) (a) Unless sub. (13) applies, the department shall collect, analyze and disseminate, in language that is understandable to ~~lay persons~~ lay persons, claims information and other health care information, as adjusted for case mix and severity, under the provisions of this chapter, as determined by rules promulgated by the department, from health care providers those specified by rules promulgated by the department. Data from health care providers may be obtained through sampling techniques in lieu of collection of data on all patient encounters and data collection procedures shall minimize unnecessary duplication and administrative burdens. If the department collects ~~health care provider specific data~~ from health care plans, the department shall attempt to avoid collecting the same data from health care providers.

History: 1987 a. 399; 1989 a. 18, 56; 1991 a. 250, 269; 1993 a. 16, 104, 185, 491; 1995 a. 27 ss. 4393, 9126 (19); 1997 a. 27, 231; 1999 a. 9.

those

other than hospitals and ambulatory surgery centers

data that is specific to health care providers other than hospitals and ambulatory surgery centers

CS + B B
SECTION 2093b CR; 153.05(8)(b)

B
153.05(8)(b) Unless sub(13)(b) applies, the
entity under contract under sub(2m)(a) shall collect,
analyze, and disseminate, in language that is
understandable to lay persons, claims information
and other health care information, as adjusted
for case mix and severity, under the provisions
of this chapter, from hospitals and ambulatory
surgery centers. Data from hospitals and
ambulatory surgery centers may be obtained
through sampling techniques in lieu of collection
of data on all patient encounters, and data
collection procedures shall minimize
unnecessary duplication and administrative
burdens.

End of
INSERT 6-9

(C)+(B) 2095rt
Section #. 153.75 (2) (a) of the statutes is amended to read:

153.75 (2) (a) Exempting certain classes of health care providers from providing all or portions of the data required under this chapter. $\frac{1}{10}$

History: 1987 a. 399; 1989 a. 18; 1993 a. 16; 1997 a. 27, 231.

that are not hospitals or
ambulatory surgery centers

END INSERT 21-3

#. Page 1109, line 25; after that line insert:

in fiscal year 2003-04

3K
(*) HOSPITAL AND AMBULATORY SURGERY CENTER

DATA COLLECTION There is transferred from
to the department of health and family services
the appropriation account/under section 20.435 (4)
as affected by the acts of 2003;

NONSTATS

(hg) of the statutes; to the appropriation account/under
as affected by the acts of

APP. CHANGE

section 20.505 (1) (im) of the statutes, as affected by the acts of 2003,
\$750,000 in fiscal year 2003-04

~~Van...~~

to the department of administration

End of INSERT 21-3

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0146/1dn
DAK:wlj:pg

To Kim Swissdorf:

1. For s. 153.05 (1) (intro.) (as ^{amended} ~~renumbered~~ in the amendment), I believe the change you propose is incorrect: that provision is concerned with the entities to which DHFS and the entity under contract must provide information; excluding ambulatory surgery centers from this group seems to have the result of prohibiting ambulatory surgery centers from accessing DHFS' and the entity's information, which would not appear to be the result you want. I only amended it in the amendment because "hospitals" is redundant to "health care providers."
2. I have made the appropriation change that transfers \$750,000 from s. 20.435 (4) (hg), stats., to s. 20.505 (1) (im), stats., as requested. Please note that it was necessary to amend s. 20.505 (1) (im), stats., to permit the money to be appropriated. Please see also my reference to s. 20.505 (1) (im), stats., in s. 153.05 (2m) (a).
3. With respect to the conflict between the rules and s. 153.22, I think it is probably resolvable under the language of the first sentence of s. 153.05 (2) (b), which requires collection of information by the entity only of hospitals and ambulatory surgery centers.
4. With regard to the conflict between s. 153.46 (6) and s. 153.65 (2), I have made an exception in s. 153.65 (2); as a drafter, part of my work is to ensure that conflicts such as these do not remain in the statutes and render them ambiguous. If the language of the motion does not address the issue, I must resolve it as if the Joint Committee on Finance intended for both provisions to exist, without conflict.

Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBb0146/1dn
DAK:wlj:jf

May 28, 2003

To Kim Swissdorf:

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2. I have made the appropriation change that transfers \$750,000 from s. 20.435 (4) (hg), stats., to s. 20.505 (1) (im), stats., as requested. Please note that it was necessary to amend s. 20.505 (1) (im), stats., to permit the money to be appropriated. Please see also my reference to s. 20.505 (1) (im), stats., in s. 153.05 (2m) (a).
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Debora A. Kennedy
Managing Attorney
Phone: (608) 266-0137
E-mail: debora.kennedy@legis.state.wi.us

Kennedy, Debora

From: Swissdorf, Kim
Sent: Wednesday, May 28, 2003 3:24 PM
To: Kennedy, Debora
Subject: Draft #146/1

Hi Debora. . .

I'm really sorry--I forgot to ask you a question about this draft in my prior email: In the motion on page 2 in the first paragraph where it describes the membership of the group, it states, "Require the Secretary [of DHFS], as chair of the [group], to report annually to the Legislature on the content and number of reports generated by the entity and the currency of the information and reports generated by the entity." I didn't see that language in the draft with all of the other reporting requirements. It seems it's some sort of commentary or summary on the reports generated by the entity (as opposed to the reports themselves). After talking with Charlie, I think we need to add some statutory language to include this additional responsibility for DHFS. What do you think?

I agree with the other changes that you made (or didn't make). Thanks for your work on this monster!!

Kim Swissdorf
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