



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0146/2
DAK:wlj

SOON - In edit 5/28

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

Only change is on p. 4

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.”.

7 **5.** Page 393, line 15: after “*units*” insert “; *entity contract*”.

8 **6.** Page 393, line 17: delete “and” and substitute “and”.

9 **7.** Page 393, line 19: after “(15)” insert “, and to contract with an entity under
10 s. 153.05 (2m) (a)”.

11 **8.** Page 842, line 2: after that line insert:

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

13 153.01 (4j) “Entity” means a nonstock corporation organized under ch. 181 that
14 is described in section 501 (c) (6) of the Internal Revenue Code and is exempt from
15 federal income tax under section 501 (a) of the Internal Revenue Code, and that does
16 all of the following:

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

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

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

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

23 3. Two members designated by the Wisconsin Association of Health Plans, Inc.

24 4. One member designated by the Wisconsin State AFL–CIO.

1 5. Two members designated by the Wisconsin Hospital Association, Inc.

2 6. One member designated by the speaker of the assembly.

3 7. One member designated by the senate majority leader.

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

5 153.05 (1) In order to provide to ~~hospitals~~, health care providers, insurers,
6 consumers, governmental agencies and others information concerning health care
7 providers and uncompensated health care services, and in order to provide
8 information to assist in peer review for the purpose of quality assurance, ~~the~~:

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

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

14 153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from
15 hospitals and ambulatory surgery centers the health care information required of
16 hospitals and ambulatory surgery centers by the department under ch. 153, 2001
17 stats., and the rules promulgated under ch. 153, 2001 stats., including, by the date
18 that is 18 months after the date of the contract under sub. (2m) (a), all outpatient
19 hospital-based services. The entity shall analyze and disseminate that health care
20 information, as adjusted for case mix and severity, in the manner required under this
21 chapter, under ch. 153, 2001 stats., and under the rules promulgated under ch. 153,
22 2001 stats., and in language that is understandable to laypersons.

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

24 153.05 (2m) (a) Notwithstanding s. 16.75 (1), (2), and (3m), by the date that is
25 the first day of the 2nd month after the effective date of this paragraph [revisor

1 inserts date], the department of administration shall, from the appropriation under
2 s. 20.505 (1) (im), contract with an entity to perform services under this chapter that
3 are specified for the entity with respect to the collection, analysis, and dissemination
4 of health care information of hospitals and ambulatory surgery centers. The
5 department of administration may not, by this contract, require from the entity any
6 collection, analysis, or dissemination of health care information of hospitals and
7 ambulatory surgery centers that is in addition to that required under this chapter,
8 and may include in the contract only terms standard to contracts with the
9 department of administration under subch. IV of ch. 16.

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

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

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

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

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

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

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

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

14 153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
15 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the
16 entity information for the preparation of reports, plans, and recommendations in the
17 form specified by the entity.

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

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

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

24 153.05 (6r) The department shall study and, based on the results of the study,
25 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.”.

12 **9.** Page 842, line 3: delete lines 3 to 14 and substitute:

13 “**SECTION 2093bg.** 153.05 (8) of the statutes is renumbered 153.05 (8) (a) and
14 amended to read:

15 153.05 (8) (a) Unless sub. (13) (a) applies, the department shall collect, analyze
16 and disseminate, in language that is understandable to ~~lay persons~~ laypersons,
17 claims information and other health care information, as adjusted for case mix and
18 severity, under the provisions of this chapter, as determined by rules promulgated
19 by the department, from health care providers, other than hospitals and ambulatory
20 surgery centers, specified by rules promulgated by the department. Data from those
21 health care providers may be obtained through sampling techniques in lieu of
22 collection of data on all patient encounters and data collection procedures shall
23 minimize unnecessary duplication and administrative burdens. If the department
24 collects ~~health care provider specific data from health care plans~~ data that is specific

1 to health care providers other than hospitals and ambulatory surgery centers, the
2 department shall attempt to avoid collecting the same data from those health care
3 providers.

4 **SECTION 2093bh.** 153.05 (8) (b) of the statutes is created to read:

5 153.05 (8) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
6 (2m) (a) shall collect, analyze, and disseminate, in language that is understandable
7 to laypersons, claims information and other health care information, as adjusted for
8 case mix and severity, under the provisions of this chapter, from hospitals and
9 ambulatory surgery centers. Data from hospitals and ambulatory surgery centers
10 may be obtained through sampling techniques in lieu of collection of data on all
11 patient encounters, and data collection procedures shall minimize unnecessary
12 duplication and administrative burdens.

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, 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, to explain the process of data collection and analysis and the
23 procedures for data verification, comment, interpretation, and release.

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

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

6 153.05 (13) (a) The department may waive the requirement under sub. (1) (a),
7 (5) (a), or (8) (a) for a health care provider, other than a hospital or ambulatory
8 surgery center, who requests the waiver and presents evidence to the department
9 that the requirement under sub. (1) (a), (5) (a), or (8) (a) is burdensome, under
10 standards established by the department by rule. The department shall develop a
11 form for use by ~~a~~ the health care provider in submitting a request under this
12 subsection paragraph.

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

14 153.05 (13) (b) The entity under contract under sub. (2m) (a) may waive the
15 requirement under sub. (1) (b), (5) (b), or (8) (b) for a hospital or ambulatory surgery
16 center that requests the waiver and presents evidence to the entity that the
17 requirement under sub. (1) (b), (5) (b), or (8) (b) is burdensome. The entity shall
18 develop a form for use by the hospital or ambulatory surgery center in submitting a
19 request under this paragraph.

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

21 153.07 (1) The board shall advise the department with regard to the collection,
22 analysis and dissemination of health care information required of the department
23 by this chapter.

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

1 153.07 (4) (b) Provide oversight on the standard reports required of the
2 department under this chapter, including the ~~reports~~ report under ss. 153.20 and s.
3 153.21 (1).

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

5 153.07 (4) (c) Develop the overall strategy and direction for implementation of
6 the department's duties and powers under this chapter.

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

8 153.08 (5) The entity under contract under s. 153.05 (2m) (a) shall annually
9 publish a hospital rate increase report that contains all of the following information:

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

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

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

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

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

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

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

19 153.10 (1) The department shall prepare, and submit to the governor and the
20 chief clerk of each house of the legislature for distribution to the legislature under
21 s. 13.172 (2), standard reports concerning health care providers other than hospitals
22 and ambulatory surgery centers that the department prepares and shall collect
23 information necessary for preparation of those reports.

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

1 153.10 (2) The entity under contract under s. 153.05 (2m) (a) 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 hospitals and ambulatory surgery centers that the entity prepares and shall collect
5 information necessary for preparation of those reports.

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

7 **153.20 Uncompensated health care services report.** (1) ~~The department~~
8 entity under contract under s. 153.05 (2m) (a) shall prepare, and submit to the
9 governor and to the chief clerk of each house of the legislature for distribution to the
10 legislature under s. 13.172 (2), an annual report setting forth the number of patients
11 to whom uncompensated health care services were provided by each hospital and the
12 total charges for the uncompensated health care services provided to the patients for
13 the preceding year, together with the number of patients and the total charges that
14 were projected by the hospital for that year in the plan filed under sub. (2).

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

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

22 153.21 (1) The department shall prepare and submit to the governor and to the
23 chief clerk of each house of the legislature for distribution to the legislature under
24 s. 13.172 (2) an annual guide to assist consumers in selecting health care providers
25 other than hospitals and ambulatory surgery centers and health care plans. The

1 guide shall be written in language that is understandable to ~~lay persons~~ laypersons.
2 The department shall widely publicize and distribute the guide to consumers.

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

4 153.21 (2) The entity under contract under s. 153.05 (2m) (a) shall prepare and
5 submit to the governor and to the chief clerk of each house of the legislature for
6 distribution to the legislature under s. 13.172 (2) an annual guide to assist
7 consumers in selecting hospitals and ambulatory surgery centers. The guide shall
8 be written in language that is understandable to laypersons and shall include data
9 derived from the annual survey of hospitals conducted by the American Hospital
10 Association and the annual hospital fiscal survey. The entity shall widely publicize
11 and distribute the guide to consumers.

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

13 **153.22 Patient-level data utilization, charge, and quality report.** (1)
14 The entity under contract under s. 153.05 (2m) (a) shall prepare and submit to the
15 governor and to the chief clerk of each house of the legislature for distribution to the
16 legislature under s. 13.172 (2), an annual report that summarizes utilization, charge,
17 and quality data on patients treated by hospitals and ambulatory surgery centers
18 during the most recent calendar year.

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

20 **153.45 (title) Release of data by department.**

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

23 153.46 (1) (b) For information that is submitted by hospitals or ambulatory
24 surgery centers, public use data files that do not permit the identification of specific
25 patients, employers, or health care providers, ~~as defined by rules promulgated by the~~

1 ~~department~~. The identification of patients, employers, or health care providers shall
2 be protected by all necessary means, including the deletion of patient identifiers and
3 the use of calculated variables and aggregated variables.

4 **SECTION 2094s.** 153.45 (1) (b) 2. of the statutes is renumbered 153.45 (1) (b) and
5 153.45 (1) (b) (intro.), as renumbered, is amended to read:

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

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

19 153.45 (1) (c) (intro.) Custom-designed reports containing portions of the data
20 under par. (b). Of information submitted by health care providers that are not
21 hospitals or ambulatory surgery centers, requests under this paragraph for data
22 elements other than those available for public use data files under par. (b) 2.,
23 including the patient's month and year of birth, require review and approval by the
24 independent review board before the data elements may be released. Information
25 that contains the name of a health care provider that is not a hospital or ambulatory

1 surgery center may be released only if the independent review board first reviews
2 and approves the release or if the department promulgates rules that specify
3 circumstances under which the independent review board need not review and
4 approve the release. Reports under this paragraph may include the patient's zip code
5 only if at least one of the following applies:

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

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

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

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

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

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

24 **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:

4 (a) Standard reports.

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.

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.

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.

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

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

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

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

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

11 153.50 (3) ~~DEPARTMENTAL MEASURES~~ MEASURES TO ENSURE PROTECTION OF PATIENT
12 IDENTITY. (intro.) To ensure that the identity of patients is protected when
13 information obtained by the department or by the entity under contract under s.
14 153.05 (2m) (a) is disseminated, the department and the entity shall do all of the
15 following:

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

17 153.50 (3) (a) Aggregate any data element category containing small numbers,
18 using. The department, in so doing, shall use procedures that are developed by the
19 department and approved by the board and that follow commonly accepted
20 statistical methodology.

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

22 153.50 (3) (b) (intro.) Remove and destroy all of the following data elements on
23 the uniform patient billing forms that are received by the department or by the entity
24 under the requirements of this chapter:

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

1 153.50 (3) (b) 7. The patient's account number, after use only as verification of
2 data by the department or by the entity.

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

4 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
5 notarized the data use agreement of the department or of the entity specified in par.

6 (c).

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

8 1. a.

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

10 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)
11 (a) who is responsible for the patient-identifiable data of the entity, in order to store
12 the data and ensure the accuracy of the information in the database of the entity.

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

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

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

21 153.50 (4) (a) 3. The department, for purposes of epidemiological investigation
22 or, with respect to information from health care providers that are not hospitals or
23 ambulatory surgery centers, to eliminate the need for duplicative databases.

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

1 153.50 (4) (a) 4. An entity agency or organization that is required by federal
2 or state statute to obtain patient–identifiable data for purposes of epidemiological
3 investigation or to eliminate the need for duplicative databases.

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

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

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

11 153.50 (5) (a) 4. (intro.) For an entity agency or organization that is authorized
12 under sub. (4) (a) 4. to receive or have access to patient–identifiable data, evidence,
13 in writing, of all of the following:

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

15 153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department
16 or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall, as
17 soon as practicable, comply with the request or notify the requester, in writing, of all
18 of the following:

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

20 153.50 (5) (b) 1. That the department or entity is denying the request in whole
21 or in part.

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

23 153.50 (6) (a) The department or entity under contract under s. 153.05 (2m) (a)
24 may not require a health care provider submitting health care information under
25 this chapter to include the patient’s name, street address or social security number.

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

2 153.60 (1) The department shall, by the first October 1 after the
3 commencement of each fiscal year, estimate the total amount of expenditures under
4 this chapter for the department and the board for that fiscal year for data collection,
5 database development and maintenance, generation of data files and standard
6 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
7 the board. The department shall assess the estimated total amount for that fiscal
8 year less the estimated total amount to be received for purposes of administration
9 of this chapter under s. 20.435 (4) (hi) during the fiscal year, the unencumbered
10 balance of the amount received for purposes of administration of this chapter under
11 s. 20.435 (4) (hi) from the prior fiscal year and the amount in the appropriation
12 account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to health care
13 providers, other than hospitals and ambulatory surgery centers, who are in a class
14 of health care providers from whom the department collects data under this chapter
15 in a manner specified by the department by rule. The department shall obtain
16 approval from the board for the amounts of assessments for health care providers
17 other than hospitals and ambulatory surgery centers. The department shall work
18 together with the department of regulation and licensing to develop a mechanism for
19 collecting assessments from health care providers other than hospitals and
20 ambulatory surgery centers. No health care provider that is not a facility may be
21 assessed under this subsection an amount that exceeds \$75 per fiscal year. ~~Each~~
22 ~~hospital shall pay the assessment on or before December 1.~~ All payments of
23 assessments shall be deposited in credited to the appropriation under s. 20.435 (4)
24 (hg).

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

3 153.65 (1) The department may, but is not required to, provide, upon request
4 from a person, a data compilation or a special report based on the information
5 collected by the department. The department shall establish user fees for the
6 provision of these compilations or reports, payable by the requester, which shall be
7 sufficient to fund the actual necessary and direct cost of the compilation or report.
8 All moneys collected under this ~~section~~ subsection shall be credited to the
9 appropriation under s. 20.435 (4) (hi).

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

11 153.65 (2) Beginning January 1, 2004, unless the entity under contract under
12 s. 153.05 (2m) (a) otherwise agrees and except as provided in s. 153.46 (6), the entity
13 has the exclusive right to use and to provide for a fee, upon request from a person,
14 a data compilation or a special report based on the information concerning hospitals
15 and ambulatory surgery centers that is collected by the entity or provided by the
16 department to the entity. Subject to approval by the group specified under s. 153.01
17 (4j) (b), the entity shall establish reasonable and necessary user fees for the provision
18 of a compilation or report, payable by the requester, which shall be sufficient to fund
19 the actual necessary and direct cost of the compilation or report. The entity may
20 retain all user fees paid under this subsection.

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

22 153.75 (1) (a) Providing procedures, for information submitted by health care
23 providers who are not hospitals or ambulatory surgery centers, to ensure the
24 protection of patient confidentiality under s. 153.50.

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

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

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

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

6 153.75 (1) (m) Specifying the classes of health care providers, other than
7 hospitals and ambulatory surgery centers, from whom claims data and other health
8 care information will be collected.

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

10 153.75 (1) (n) Specifying the uniform data set of health care information, as
11 adjusted for case mix and severity, to be collected from health care providers other
12 than hospitals and ambulatory surgery centers.

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

14 153.75 (1) (p) Specifying the methods for using and disseminating health care
15 data in order for health care providers other than hospitals and ambulatory surgery
16 centers to provide health care that is effective and economically efficient and for
17 consumers and purchasers to make informed decisions in selecting health care plans
18 and health care providers.

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

20 153.75 (1) (q) Specifying the information to be provided by the department in
21 the consumer guide under s. 153.21 (1).

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

23 153.75 (1) (r) Specifying the standard reports that will be issued by the
24 department in addition to those required in ~~ss. 153.20 and s.~~ 153.21 (1).

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

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

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

5 153.75 (1) (u) Specifying the methods for adjusting health care information
6 obtained from health care providers other than hospitals and ambulatory surgery
7 centers for case mix and severity.

8 **SECTION 2095rt.** 153.75 (2) (a) of the statutes is amended to read:

9 153.75 (2) (a) Exempting certain classes of health care providers that are not
10 hospitals or ambulatory surgery centers from providing all or portions of the data
11 required under this chapter.”.

12 **10.** Page 1078, line 17: after that line insert:

13 “(10k) TRANSFER OF HEALTH CARE INFORMATION TO ENTITY; TRANSITION ASSISTANCE.

14 (a) Before 12 months have elapsed after a contract is agreed upon under section
15 153.05 (2m) of the statutes, as created by this act, the department of health and
16 family services shall provide to the entity under that contract all health care
17 information databases and computer software related to hospitals and ambulatory
18 surgery centers, including manuals, documentation, and program codes, that the
19 department possesses under chapter 153 of the statutes, as affected by this act.

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

1 **11.** Page 1109, line 25: after that line insert:

2 “(3k) HOSPITAL AND AMBULATORY SURGERY CENTER DATA COLLECTION. There is
3 transferred from the appropriation to the department of health and family services
4 under section 20.435 (4) (hg) of the statutes, as affected by the acts of 2003, to the
5 appropriation to the department of administration under section 20.505 (1) (im) of
6 the statutes, as affected by the acts of 2003, \$750,000 in fiscal year 2003–04.”.

7 **12.** Page 1132, line 22: after that line insert:

8 “(11k) ASSESSMENTS ON HOSPITALS AND AMBULATORY SURGERY CENTERS. The
9 treatment of section 153.60 (1) of the statutes takes effect on July 1, 2004.”.

10

(END)

INSERT 4-19

¶ (c) By April 1, 2004, and annually thereafter,

the secretary of health and family services, as
chairperson of the group specified under s.

153.01 (4j) (b) shall submit to the chief

clerk of each house of the legislature for

distribution to the legislature under s. 13.172

(2); a report concerning the content and

number of reports and currency of information
and reports generated in the previous calendar year
by the entity under

contract under s. 153.05 (2m)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRBb0146/2
DAK:wlj:cph

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 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.”.

7 **5.** Page 393, line 15: after “*units*” insert “; *entity contract*”.

8 **6.** Page 393, line 17: delete “and” and substitute “and”.

9 **7.** Page 393, line 19: after “(15)” insert “, and to contract with an entity under
10 s. 153.05 (2m) (a)”.

11 **8.** Page 842, line 2: after that line insert:

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

13 153.01 (4j) “Entity” means a nonstock corporation organized under ch. 181 that
14 is described in section 501 (c) (6) of the Internal Revenue Code and is exempt from
15 federal income tax under section 501 (a) of the Internal Revenue Code, and that does
16 all of the following:

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

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

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

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

23 3. Two members designated by the Wisconsin Association of Health Plans, Inc.

24 4. One member designated by the Wisconsin State AFL–CIO.

1 5. Two members designated by the Wisconsin Hospital Association, Inc.

2 6. One member designated by the speaker of the assembly.

3 7. One member designated by the senate majority leader.

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

5 153.05 (1) In order to provide to hospitals, health care providers, insurers,
6 consumers, governmental agencies and others information concerning health care
7 providers and uncompensated health care services, and in order to provide
8 information to assist in peer review for the purpose of quality assurance, ~~the:~~

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

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

14 153.05 (1) (b) The entity under contract under sub. (2m) (a) shall collect from
15 hospitals and ambulatory surgery centers the health care information required of
16 hospitals and ambulatory surgery centers by the department under ch. 153, 2001
17 stats., and the rules promulgated under ch. 153, 2001 stats., including, by the date
18 that is 18 months after the date of the contract under sub. (2m) (a), all outpatient
19 hospital-based services. The entity shall analyze and disseminate that health care
20 information, as adjusted for case mix and severity, in the manner required under this
21 chapter, under ch. 153, 2001 stats., and under the rules promulgated under ch. 153,
22 2001 stats., and in language that is understandable to laypersons.

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

24 153.05 (2m) (a) Notwithstanding s. 16.75 (1), (2), and (3m), by the date that is
25 the first day of the 2nd month after the effective date of this paragraph [revisor

1 inserts date], the department of administration shall, from the appropriation under
2 s. 20.505 (1) (im), contract with an entity to perform services under this chapter that
3 are specified for the entity with respect to the collection, analysis, and dissemination
4 of health care information of hospitals and ambulatory surgery centers. The
5 department of administration may not, by this contract, require from the entity any
6 collection, analysis, or dissemination of health care information of hospitals and
7 ambulatory surgery centers that is in addition to that required under this chapter,
8 and may include in the contract only terms standard to contracts with the
9 department of administration under subch. IV of ch. 16.

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

20 (c) By April 1, 2004, and annually thereafter, the secretary of health and family
21 services, as chairperson of the group specified under s. 153.01 (4j) (b), shall submit
22 to the chief clerk of each house of the legislature for distribution to the legislature
23 under s. 13.172 (2), a report concerning the content and number of reports and
24 currency of information and reports generated in the previous calendar year by the
25 entity under contract under s. 153.05 (2m).

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

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

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

8 153.05 (3) (b) Upon request of the entity under contract under sub. (2m) (a) for
9 health care information relating to hospitals and ambulatory surgery centers, state
10 agencies shall provide that health care information to the entity for use in preparing
11 reports under this chapter.

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

14 153.05 (5) (a) Unless sub. (13) (a) applies, the department may require health
15 care providers other than hospitals and ambulatory surgery centers to submit to the
16 department information specified by rule under s. 153.75 (1) (n) for the preparation
17 of reports, plans, and recommendations in the form specified by the department by
18 rule.

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

20 153.05 (5) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
21 (2m) (a) may require hospitals and ambulatory surgery centers to submit to the
22 entity information for the preparation of reports, plans, and recommendations in the
23 form specified by the entity.

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

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

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

6 153.05 (6r) The department shall study and, based on the results of the study,
7 may develop and implement a voluntary system of health care plan reporting that
8 enables purchasers and consumers to assess the performance of health care plans
9 and the health care providers, other than hospitals and ambulatory surgery centers,
10 that are employed or reimbursed by the health care plans. The department shall
11 undertake the study and any development and implementation in cooperation with
12 private health care purchasers, the board, the department of employee trust funds,
13 the office of the commissioner of insurance, the interagency coordinating council
14 created under s. 15.107 (7), major associations of health care providers, health care
15 plans and consumers. If implemented, the department shall operate the system in
16 a manner so as to enable purchasers, consumers, the public, the governor and
17 legislators to assess the performance of health care plans and health care providers
18 other than hospitals and ambulatory surgery centers.”.

19 **9.** Page 842, line 3: delete lines 3 to 14 and substitute:

20 **“SECTION 2093bg.** 153.05 (8) of the statutes is renumbered 153.05 (8) (a) and
21 amended to read:

22 153.05 (8) (a) Unless sub. (13) (a) applies, the department shall collect, analyze
23 and disseminate, in language that is understandable to ~~lay persons~~ laypersons,
24 claims information and other health care information, as adjusted for case mix and

1 severity, under the provisions of this chapter, as determined by rules promulgated
2 by the department, from health care providers, other than hospitals and ambulatory
3 surgery centers, specified by rules promulgated by the department. Data from those
4 health care providers may be obtained through sampling techniques in lieu of
5 collection of data on all patient encounters and data collection procedures shall
6 minimize unnecessary duplication and administrative burdens. If the department
7 collects ~~health care provider specific data~~ from health care plans data that is specific
8 to health care providers other than hospitals and ambulatory surgery centers, the
9 department shall attempt to avoid collecting the same data from those health care
10 providers.

11 **SECTION 2093bh.** 153.05 (8) (b) of the statutes is created to read:

12 153.05 (8) (b) Unless sub. (13) (b) applies, the entity under contract under sub.
13 (2m) (a) shall collect, analyze, and disseminate, in language that is understandable
14 to laypersons, claims information and other health care information, as adjusted for
15 case mix and severity, under the provisions of this chapter, from hospitals and
16 ambulatory surgery centers. Data from hospitals and ambulatory surgery centers
17 may be obtained through sampling techniques in lieu of collection of data on all
18 patient encounters, and data collection procedures shall minimize unnecessary
19 duplication and administrative burdens.

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

22 153.05 (9) (a) The department shall provide orientation and training to health
23 care providers, other than hospitals and ambulatory surgery centers, who submit
24 data under this chapter, to explain the process of data collection and analysis and the
25 procedures for data verification, comment, interpretation, and release.

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

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

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

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

8 153.05 (12) (b) The entity under contract under sub. (2m) (a) shall, to the extent
9 possible and upon request, assist members of the public in interpreting data in
10 health care information disseminated by the entity.

11 **SECTION 2094c.** 153.05 (13) of the statutes is renumbered 153.05 (13) (a) and
12 amended to read:

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

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

21 153.05 (13) (b) The entity under contract under sub. (2m) (a) may waive the
22 requirement under sub. (1) (b), (5) (b), or (8) (b) for a hospital or ambulatory surgery
23 center that requests the waiver and presents evidence to the entity that the
24 requirement under sub. (1) (b), (5) (b), or (8) (b) is burdensome. The entity shall

1 develop a form for use by the hospital or ambulatory surgery center in submitting a
2 request under this paragraph.

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

4 153.07 (1) The board shall advise the department with regard to the collection,
5 analysis and dissemination of health care information required of the department
6 by this chapter.

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

8 153.07 (4) (b) Provide oversight on the standard reports required of the
9 department under this chapter, including the reports report under ~~ss. 153.20 and s.~~
10 153.21 (1).

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

12 153.07 (4) (c) Develop the overall strategy and direction for implementation of
13 the department's duties and powers under this chapter.

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

15 153.08 (5) The entity under contract under s. 153.05 (2m) (a) shall annually
16 publish a hospital rate increase report that contains all of the following information:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **153.45 (title) Release of data by department.**

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

4 153.46 (1) (b) For information that is submitted by hospitals or ambulatory
5 surgery centers, public use data files that do not permit the identification of specific
6 patients, employers, or health care providers, ~~as defined by rules promulgated by the~~
7 ~~department.~~ The identification of patients, employers, or health care providers shall
8 be protected by all necessary means, including the deletion of patient identifiers and
9 the use of calculated variables and aggregated variables.

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

12 153.45 (1) (b) (intro.) For information that is submitted by health care
13 providers other than hospitals or ambulatory surgery centers, public use data files
14 that do not permit the identification of specific patients, employers, or health care
15 providers, as defined by rules promulgated by the department. The identification of
16 patients, employers, or health care providers shall be protected by all necessary
17 means, including the deletion of patient identifiers; the use of calculated variables
18 and aggregated variables; the specification of counties as to residence, rather than
19 zip codes; the use of 5–year categories for age, rather than exact age; not releasing
20 information concerning a patient’s race or, ethnicity, or dates of admission,
21 discharge, procedures, or visits; and masking sensitive diagnoses and procedures by
22 use of larger diagnostic and procedure categories. Public use data files under this
23 subdivision paragraph may include only the following:

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

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

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

14 153.45 (2) The department shall provide to other ~~entities~~ agencies or to
15 organizations the data necessary to fulfill their statutory mandates for
16 epidemiological purposes or to minimize the duplicate collection of similar data
17 elements.

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

19 153.45 (3) The department may, but is not required to, release health care
20 provider–specific and employer–specific data that relates to health care providers
21 other than hospitals and ambulatory surgery centers, except in public use data files
22 as specified under sub. (1) (b), in a manner that is specified in rules promulgated by
23 the department.

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

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

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

8 **153.46 Release of data by entity.** (1) After completion of data verification,
9 comment, and review procedures, the entity under contract under s. 153.05 (2m) (a)
10 shall release data, together with comments, if any, in the following forms:

11 (a) Standard reports.

12 (c) Custom-designed reports containing portions of the data under par. (b).

13 Reports under this paragraph may include the patient's zip code only if at least one
14 of the following applies:

15 1. Other potentially identifying data elements are not released.

16 2. Population density is sufficient to mask patient identity.

17 3. Other potentially identifying data elements are grouped to provide
18 population density sufficient to protect identity.

19 4. Multiple years of data elements are added to protect identity.

20 **(1m)** After completion of data verification and review procedures specified
21 under s. 153.01 (4j), the entity may, but is not required to, release special data
22 compilations.

23 **(2)** The entity under contract under s. 153.05 (2m) (a) shall provide to the
24 department and to any other organization or agency the data necessary to fulfill the

1 department's, organization's, or agency's statutory mandates for epidemiological
2 purposes.

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

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

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

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

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

17 153.50 (3) ~~DEPARTMENTAL MEASURES~~ MEASURES TO ENSURE PROTECTION OF PATIENT
18 IDENTITY. (intro.) To ensure that the identity of patients is protected when
19 information obtained by the department or by the entity under contract under s.
20 153.05 (2m) (a) is disseminated, the department and the entity shall do all of the
21 following:

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

23 153.50 (3) (a) Aggregate any data element category containing small numbers,
24 using. The department, in so doing, shall use procedures that are developed by the

1 department and approved by the board and that follow commonly accepted
2 statistical methodology.

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

4 153.50 (3) (b) (intro.) Remove and destroy all of the following data elements on
5 the uniform patient billing forms that are received by the department or by the entity
6 under the requirements of this chapter:

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

8 153.50 (3) (b) 7. The patient's account number, after use only as verification of
9 data by the department or by the entity.

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

11 153.50 (3) (d) Require that a purchaser of data under this chapter sign and have
12 notarized the data use agreement of the department or of the entity specified in par.
13 (c).

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

15 1. a.

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

17 153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m)
18 (a) who is responsible for the patient-identifiable data of the entity, in order to store
19 the data and ensure the accuracy of the information in the database of the entity.

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

21 153.50 (4) (a) 2. A health care provider that is not a hospital or ambulatory
22 surgery center or the agent of such a health care provider, to ensure the accuracy of
23 the information in the database of the department, or a health care provider that is
24 a hospital or ambulatory surgery center or the agent of such a health care provider,

1 to ensure the accuracy of the information in the database of the entity under contract
2 under s. 153.05 (2m) (a).

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

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

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

8 153.50 (4) (a) 4. An entity agency or organization that is required by federal
9 or state statute to obtain patient–identifiable data for purposes of epidemiological
10 investigation or to eliminate the need for duplicative databases.

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

12 153.50 (5) (a) (intro.) The department or an entity that is under contract under
13 s. 153.05 (2m) (a) may not release or provide access to patient–identifiable data to
14 a person authorized under sub. (4) (a) unless the authorized person requests the
15 department or entity, in writing, to release the patient–identifiable data. The
16 request shall include all of the following:

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

18 153.50 (5) (a) 4. (intro.) For an entity agency or organization that is authorized
19 under sub. (4) (a) 4. to receive or have access to patient–identifiable data, evidence,
20 in writing, of all of the following:

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

22 153.50 (5) (b) (intro.) Upon receipt of a request under par. (a), the department
23 or entity under contract under s. 153.05 (2m) (a), whichever is appropriate, shall, as
24 soon as practicable, comply with the request or notify the requester, in writing, of all
25 of the following:

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

2 153.50 (5) (b) 1. That the department or entity is denying the request in whole
3 or in part.

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

5 153.50 (6) (a) The department or entity under contract under s. 153.05 (2m) (a)
6 may not require a health care provider submitting health care information under
7 this chapter to include the patient's name, street address or social security number.

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

9 153.60 (1) The department shall, by the first October 1 after the
10 commencement of each fiscal year, estimate the total amount of expenditures under
11 this chapter for the department and the board for that fiscal year for data collection,
12 database development and maintenance, generation of data files and standard
13 reports, orientation and training provided under s. 153.05 (9) (a) and maintaining
14 the board. The department shall assess the estimated total amount for that fiscal
15 year less the estimated total amount to be received for purposes of administration
16 of this chapter under s. 20.435 (4) (hi) during the fiscal year, the unencumbered
17 balance of the amount received for purposes of administration of this chapter under
18 s. 20.435 (4) (hi) from the prior fiscal year and the amount in the appropriation
19 account under s. 20.435 (1) (dg), 1997 stats., for the fiscal year, to health care
20 providers, other than hospitals and ambulatory surgery centers, who are in a class
21 of health care providers from whom the department collects data under this chapter
22 in a manner specified by the department by rule. The department shall obtain
23 approval from the board for the amounts of assessments for health care providers
24 other than hospitals and ambulatory surgery centers. The department shall work
25 together with the department of regulation and licensing to develop a mechanism for

1 collecting assessments from health care providers other than hospitals and
2 ambulatory surgery centers. No health care provider that is not a facility may be
3 assessed under this subsection an amount that exceeds \$75 per fiscal year. Each
4 hospital shall pay the assessment on or before December 1. All payments of
5 assessments shall be ~~deposited in~~ credited to the appropriation under s. 20.435 (4)
6 (hg).

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

9 153.65 (1) The department may, but is not required to, provide, upon request
10 from a person, a data compilation or a special report based on the information
11 collected by the department. The department shall establish user fees for the
12 provision of these compilations or reports, payable by the requester, which shall be
13 sufficient to fund the actual necessary and direct cost of the compilation or report.
14 All moneys collected under this section ~~section~~ subsection shall be credited to the
15 appropriation under s. 20.435 (4) (hi).

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

17 153.65 (2) Beginning January 1, 2004, unless the entity under contract under
18 s. 153.05 (2m) (a) otherwise agrees and except as provided in s. 153.46 (6), the entity
19 has the exclusive right to use and to provide for a fee, upon request from a person,
20 a data compilation or a special report based on the information concerning hospitals
21 and ambulatory surgery centers that is collected by the entity or provided by the
22 department to the entity. Subject to approval by the group specified under s. 153.01
23 (4j) (b), the entity shall establish reasonable and necessary user fees for the provision
24 of a compilation or report, payable by the requester, which shall be sufficient to fund

1 the actual necessary and direct cost of the compilation or report. The entity may
2 retain all user fees paid under this subsection.

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

4 153.75 (1) (a) Providing procedures, for information submitted by health care
5 providers who are not hospitals or ambulatory surgery centers, to ensure the
6 protection of patient confidentiality under s. 153.50.

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

8 153.75 (1) (b) Establishing procedures under which health care providers who
9 are not hospitals or ambulatory surgery centers are permitted to review, verify and
10 comment on information and include the comments with the information.

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

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

13 153.75 (1) (m) Specifying the classes of health care providers, other than
14 hospitals and ambulatory surgery centers, from whom claims data and other health
15 care information will be collected.

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

17 153.75 (1) (n) Specifying the uniform data set of health care information, as
18 adjusted for case mix and severity, to be collected from health care providers other
19 than hospitals and ambulatory surgery centers.

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

21 153.75 (1) (p) Specifying the methods for using and disseminating health care
22 data in order for health care providers other than hospitals and ambulatory surgery
23 centers to provide health care that is effective and economically efficient and for
24 consumers and purchasers to make informed decisions in selecting health care plans
25 and health care providers.

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

2 153.75 (1) (q) Specifying the information to be provided by the department in
3 the consumer guide under s. 153.21 (1).

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

5 153.75 (1) (r) Specifying the standard reports that will be issued by the
6 department in addition to those required in ~~ss. 153.20~~ and s. 153.21 (1).

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

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

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

12 153.75 (1) (u) Specifying the methods for adjusting health care information
13 obtained from health care providers other than hospitals and ambulatory surgery
14 centers for case mix and severity.

15 **SECTION 2095rt.** 153.75 (2) (a) of the statutes is amended to read:

16 153.75 (2) (a) Exempting certain classes of health care providers that are not
17 hospitals or ambulatory surgery centers from providing all or portions of the data
18 required under this chapter.”.

19 **10.** Page 1078, line 17: after that line insert:

20 “(10k) TRANSFER OF HEALTH CARE INFORMATION TO ENTITY; TRANSITION ASSISTANCE.

21 (a) Before 12 months have elapsed after a contract is agreed upon under section
22 153.05 (2m) of the statutes, as created by this act, the department of health and
23 family services shall provide to the entity under that contract all health care
24 information databases and computer software related to hospitals and ambulatory

1 surgery centers, including manuals, documentation, and program codes, that the
2 department possesses under chapter 153 of the statutes, as affected by this act.

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

8 **11.** Page 1109, line 25: after that line insert:

9 “(3k) HOSPITAL AND AMBULATORY SURGERY CENTER DATA COLLECTION. There is
10 transferred from the appropriation to the department of health and family services
11 under section 20.435 (4) (hg) of the statutes, as affected by the acts of 2003, to the
12 appropriation to the department of administration under section 20.505 (1) (im) of
13 the statutes, as affected by the acts of 2003, \$750,000 in fiscal year 2003–04.”.

14 **12.** Page 1132, line 22: after that line insert:

15 “(11k) ASSESSMENTS ON HOSPITALS AND AMBULATORY SURGERY CENTERS. The
16 treatment of section 153.60 (1) of the statutes takes effect on July 1, 2004.”.

17 (END)