

# State of Wisconsin



2005 Assembly Bill 907

Date of enactment: **March 29, 2006**

Date of publication\*: **April 12, 2006**

## 2005 WISCONSIN ACT 228

**AN ACT** *to repeal* 15.07 (2) (b), 15.07 (3) (bm) 1., 15.107 (7), 15.195 (6), 15.195 (9), 16.03, 153.01 (2), 153.05 (6r), 153.07, 153.45 (6), 153.60 (3), 153.67, 153.75 (2) (d) and 153.76; *to renumber* 153.01 (1) and 153.22 (1); *to amend* 20.435 (1) (hg), 20.435 (1) (hg), 20.435 (1) (hi), 20.515 (1) (ut), 20.515 (1) (ut), 153.01 (5m), 153.05 (1) (a), 153.05 (2r) (intro.), 153.05 (3) (a), 153.05 (5) (a), 153.05 (8) (a), 153.05 (9) (a), 153.05 (12) (a), 153.10 (1), 153.45 (1) (b) 9., 153.45 (1) (b) 11., 153.45 (1) (c) (intro.), 153.50 (1) (b) 2. (intro.), 153.50 (3) (intro.), 153.50 (3) (a), 153.50 (3) (b) (intro.), 153.50 (3) (d), 153.50 (3m), 153.50 (4) (a) (intro.), 153.50 (4) (a) 1. a., 153.50 (4) (a) 1. b., 153.50 (4) (a) 2., 153.50 (4) (a) 3., 153.50 (5) (a) (intro.), 153.50 (5) (b) (intro.), 153.50 (5) (b) 1., 153.60 (title), 153.60 (1), 153.60 (1), 153.65 (1), 153.75 (1) (intro.), 153.75 (1) (intro.), 153.75 (2) (intro.) and 153.75 (2) (intro.); and *to create* 153.01 (1d), 153.01 (2g), 153.01 (3g), 153.01 (8m), 153.05 (1) (c), 153.05 (2r), 153.05 (2s), 153.05 (3) (c), 153.05 (5) (c), 153.05 (8) (c), 153.05 (9) (c), 153.05 (12) (c), 153.45 (intro.), 153.455, 153.50 (intro.), 153.50 (1) (b) 1m., 153.50 (4) (a) 1. c., 153.50 (4) (c) and 153.60 (intro.) of the statutes; **relating to:** requiring a contract with a data organization for the collection, analysis, and dissemination of health care claims information; eliminating the Board on Health Care Information, the Interagency Coordinating Council, and the Independent Review Board; and making appropriations.

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

**SECTION 1.** 15.07 (2) (b) of the statutes is repealed.

**SECTION 2.** 15.07 (3) (bm) 1. of the statutes is repealed.

**SECTION 3.** 15.107 (7) of the statutes is repealed.

**SECTION 4.** 15.195 (6) of the statutes is repealed.

**SECTION 5.** 15.195 (9) of the statutes is repealed.

**SECTION 6.** 16.03 of the statutes is repealed.

**SECTION 7.** 20.435 (1) (hg) of the statutes, as affected by [2005 Wisconsin Act 25](#), is amended to read:

20.435 (1) (hg) *General program operations; health care information.* The amounts in the schedule to fund the activities of the department of health and family ser-

vices and the board on health care information under ch. 153 and to contract with the data organization under s. [153.05 \(2r\)](#). The contract fees paid under s. 153.05 (6m) and assessments paid under s. 153.60 shall be credited to this appropriation account.

**SECTION 8.** 20.435 (1) (hg) of the statutes, as affected by 2005 Wisconsin Act .... (this act), is amended to read:

20.435 (1) (hg) *General program operations; health care information.* The amounts in the schedule to fund the activities of the department of health and family services and ~~the board on health care information~~ under ch. 153 and to contract with the data organization under s. 153.05 (2r). The contract fees paid under s. 153.05 (6m) and assessments paid under s. 153.60 shall be credited to this appropriation account.

\* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

**SECTION 9.** 20.435 (1) (hi) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

20.435 (1) (hi) *Compilations and special reports; health care information.* All moneys received from user fees imposed under s. 153.65 (1) for the purpose of financing the costs of the department of health and family services of producing special data compilations or special reports under s. 153.65 and to contract with the data organization under s. 153.05 (2r).

**SECTION 10m.** 20.515 (1) (ut) of the statutes is amended to read:

20.515 (1) (ut) *Health insurance data collection and analysis contracts.* From the public employee trust fund, the amounts in the schedule for the costs of contracting for insurance data collection and analysis services under s. ~~ss.~~ 40.03 (6) (j) and 153.05 (2r).

**SECTION 10n.** 20.515 (1) (ut) of the statutes, as affected by 2005 Wisconsin Act .... (this act), is amended to read:

20.515 (1) (ut) *Health insurance data collection and analysis contracts.* From the public employee trust fund, the amounts in the schedule for the costs of contracting for insurance data collection and analysis services under ~~ss.~~ s. 40.03 (6) (j) and 153.05 (2r).

**SECTION 11.** 153.01 (1) of the statutes is renumbered 153.01 (1g).

**SECTION 12.** 153.01 (1d) of the statutes is created to read:

153.01 (1d) “Administrator” has the meaning given in s. 633.01 (1).

**SECTION 13.** 153.01 (2) of the statutes is repealed.

**SECTION 14.** 153.01 (2g) of the statutes is created to read:

153.01 (2g) “Calculated variable” means a data element that is computed or derived from an original data item or derived using another data source.

**SECTION 15.** 153.01 (3g) of the statutes is created to read:

153.01 (3g) “Data organization” means a nonstock corporation organized under ch. 181 that is described in section 501 (c) (3) of the Internal Revenue Code, is exempt from federal income tax under section 501 (a) of the Internal Revenue Code, and, in its capacity as a public health authority, does all of the following:

(a) Represents health care consumers, insurers, administrators, and health care providers.

(b) Is formed specifically to do all of the following:

1. Create a centralized claims repository for this state with credible and useful data elements for the purposes of quality improvement, health care provider performance comparisons, ready understandability, and consumer decision making.

2. Use the information it collects to develop and disseminate unified public reports on health care quality, safety, and efficiency.

**SECTION 16.** 153.01 (5m) of the statutes is amended to read:

153.01 (5m) “Insurer” has the meaning given under s. ~~600.03 (27)~~ 632.745 (15).

**SECTION 17.** 153.01 (8m) of the statutes is created to read:

153.01 (8m) “Public health authority” means the department or a person acting under this chapter under a grant of authority from or contract with the department.

**SECTION 18.** 153.05 (1) (a) of the statutes is amended to read:

153.05 (1) (a) ~~The~~ Subject to s. 153.455, the department shall collect from health care providers other than hospitals and ambulatory surgery centers, analyze, and disseminate health care information, as adjusted for case mix and severity, in language that is understandable to laypersons.

**SECTION 19.** 153.05 (1) (c) of the statutes is created to read:

153.05 (1) (c) Subject to s. 153.455 (1) to (3), the data organization under contract under sub. (2r) may request health care claims information from insurers and administrators. The data organization shall analyze and publicly report the health care claims information with respect to the cost, quality, and effectiveness of health care, in language that is understandable by lay persons, and shall develop and maintain a centralized data repository. The data organization shall provide to the department, without charge, health care claims information collected by and reports produced by the data organization that the department requests. If s. 153.455 (4) applies, the department may request health care claims information, which may be voluntarily provided by insurers and administrators, and may perform or contract for the performance of the other duties specified for the data organization under this paragraph.

**SECTION 20.** 153.05 (2r) of the statutes is created to read:

153.05 (2r) Notwithstanding s. 16.75 (1), (2), and (3m), from the appropriation account under s. 20.515 (1) (ut) the department of employee trust funds may expend up to \$150,000, and from the appropriation accounts under s. 20.435 (1) (hg) and (hi) the department of health and family services, in its capacity as a public health authority, may expend moneys, to contract jointly with a data organization to perform services under this chapter that are specified for the data organization under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of health and family services to perform or contract for the performance of these services. As condition of the contract under this subsection, all of the following apply:

(a) At least during the period of the contract, the data organization shall include as voting members of the board of directors of the data organization the secretary

of health and family services and the secretary of employee trust funds, or their designees.

(b) The data organization shall provide matching funds, which may include in-kind contributions, as specified in the contract.

(c) Termination of funding and of services of the data organization under the contract or modification of the contract is subject to a determination made under s. 153.455 (3).

**SECTION 20m.** 153.05 (2r) (intro.) of the statutes, as created by 2005 Wisconsin Act .... (this act), is amended to read:

153.05 (2r) (intro.) Notwithstanding s. 16.75 (1), (2), and (3m), ~~from the appropriation account under s. 20.515 (1) (ut) the department of employee trust funds may expend up to \$150,000, and from the appropriation accounts under s. 20.435 (1) (hg) and (hi) the department of health and family services, in its capacity as a public health authority, may expend moneys, to contract jointly with a data organization to perform services under this chapter that are specified for the data organization under sub. (1) (c) or, if s. 153.455 (4) applies, for the department of health and family services to perform or contract for the performance of these services. As condition of the contract under this subsection, all of the following apply:~~

**SECTION 20p.** 153.05 (2s) of the statutes is created to read:

153.05 (2s) Annually, the department of health and family services and the department of employee trust funds shall jointly prepare and submit under s. 13.172 (3) to standing committees of the legislature with jurisdiction over health issues a report on the activities of the data organization under this chapter.

**SECTION 21.** 153.05 (3) (a) of the statutes is amended to read:

153.05 (3) (a) Upon request of the department for health care information relating to health care providers other than hospitals and ambulatory surgery centers and, if s. 153.455 (4) applies, for health care claims information as specified in sub. (1) (c), state agencies shall provide that ~~health care~~ information to the department for use in preparing reports under this chapter.

**SECTION 22.** 153.05 (3) (c) of the statutes is created to read:

153.05 (3) (c) Upon request of the data organization under contract under sub. (2r) for health care claims information, insurers and administrators may provide the health care claims information to the data organization for use in preparing reports and developing and maintaining a central data repository under this chapter, and, if s. 153.455 (4) applies, insurers and administrators may provide the health care claims information as requested by the department.

**SECTION 23.** 153.05 (5) (a) of the statutes is amended to read:

153.05 (5) (a) Unless sub. (13) applies, subject to s. 153.455, the department may require health care providers other than hospitals and ambulatory surgery centers to submit to the department health care information specified by rule under s. 153.75 (1) (n) for the preparation of reports, plans, and recommendations in the form specified by the department by rule.

**SECTION 24.** 153.05 (5) (c) of the statutes is created to read:

153.05 (5) (c) Subject to s. 153.455 (1) to (3), the data organization under contract under sub. (2r) may request insurers and administrators to submit to the data organization health care claims information for the preparation of reports, plans, and recommendations in the form specified by the data organization, including in standard electronic format. If s. 153.455 (4) applies, the department may request submission of the health care claims information from insurers and administrators in the form specified by the department, including in standard electronic format.

**SECTION 25.** 153.05 (6r) of the statutes is repealed.

**SECTION 26.** 153.05 (8) (a) of the statutes is amended to read:

153.05 (8) (a) Unless sub. (13) applies, subject to s. 153.455, the department shall collect, analyze and disseminate, in language that is understandable to laypersons, 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, other than hospitals and ambulatory surgery centers, specified by rules promulgated by the department. Data from those 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 from health care plans data that is specific to health care providers other than hospitals and ambulatory surgery centers, the department shall attempt to avoid collecting the same data from those health care providers.

**SECTION 27.** 153.05 (8) (c) of the statutes is created to read:

153.05 (8) (c) Subject to s. 153.455 (1) to (3), the data organization under contract under sub. (2r) may request, analyze, and publicly report, in language that is understandable to laypersons, health care claims information, as adjusted for case mix and severity, from insurers and administrators. Data from these sources may be obtained through sampling techniques in lieu of collection of data on all insureds, and data collection procedures shall minimize unnecessary duplication and administrative burdens. If s. 153.455 (4) applies, the department may request health care claims information, which may be voluntarily provided by insurers and administrators, and

may perform or contract for the performance of the other duties specified for the data organization under this paragraph.

**SECTION 28.** 153.05 (9) (a) of the statutes is amended to read:

153.05 (9) (a) ~~The Subject to s. 153.455, 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 29.** 153.05 (9) (c) of the statutes is created to read:

153.05 (9) (c) Subject to s. 153.455 (1) to (3), the data organization under contract under sub. (2r) shall provide orientation and training to insurers and administrators 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. If s. 153.455 (4) applies, the department may perform or contract for the performance of the duties specified for the data organization under this paragraph.

**SECTION 30.** 153.05 (12) (a) of the statutes is amended to read:

153.05 (12) (a) ~~The Subject to s. 153.455, the~~ department shall, to the extent possible and upon request, assist members of the public in interpreting data in health care information disseminated by the department.

**SECTION 31.** 153.05 (12) (c) of the statutes is created to read:

153.05 (12) (c) The data organization under contract under sub. (2r) shall, subject to s. 153.455 (1) to (3), to the extent possible and upon request, assist members of the public in interpreting data in health care information disseminated by the data organization. If s. 153.455 (4) applies, the department may perform or contract for the performance of the duties specified for the data organization under this paragraph.

**SECTION 32.** 153.07 of the statutes is repealed.

**SECTION 33.** 153.10 (1) of the statutes is amended to read:

153.10 (1) ~~The Subject to s. 153.455, the~~ department shall prepare, and submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2), standard reports concerning health care providers other than hospitals and ambulatory surgery centers that the department prepares and shall collect information necessary for preparation of those reports. If s. 153.455 (4) applies, the department shall include in the reports under this subsection reports concerning any health care claims information the department collects or contracts to collect under s. 153.05.

**SECTION 34.** 153.22 (1) of the statutes is renumbered 153.22.

**SECTION 35.** 153.45 (intro.) of the statutes is created to read:

153.45 (intro.) Subject to s. 153.455:

**SECTION 36.** 153.45 (1) (b) 9. of the statutes is amended to read:

153.45 (1) (b) 9. Information that contains the name of a health care provider that is not a hospital or ambulatory surgery center, if the ~~independent review board department~~ first reviews and approves the release ~~or if the department promulgates rules that specify circumstances under which the independent review board need not review and approve the release.~~

**SECTION 37.** 153.45 (1) (b) 11. of the statutes is amended to read:

153.45 (1) (b) 11. Information other than patient-identifiable data, as defined in s. 153.50 (1) (b), as approved by the ~~independent review board~~ department.

**SECTION 38.** 153.45 (1) (c) (intro.) of the statutes is amended to read:

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

**SECTION 39.** 153.45 (6) of the statutes is repealed.

**SECTION 40.** 153.455 of the statutes is created to read:

**153.455 Data organization; contract contingency.**

(1) Except as provided in subs. (2), (3), and (4), beginning on the date, if any, that is 60 days after the contract under s. 153.05 (2r) takes effect, the department shall cease collecting, for calendar quarters that occur after that date, health care information as specified under s. HFS 120.14 (1), 2005 Wis. Adm. Code, in effect on the effective date of this subsection .... [revisor inserts date].

(2) Subsection (1) does not apply to ss. 153.21 (1) and 153.60 (1).

(3) Beginning on the date, if any, that the secretary of health and family services and the secretary of employee trust funds determine that the data organization is not in compliance with the contract under s. 153.05 (2r) with respect to the performance of the collection and public reporting of information regarding the cost, quality, and effectiveness of health care, including the development and maintenance of a centralized data repository, or

determine that there is insufficient statewide participation under the requirements of the contract, the secretaries may modify or terminate the contract. If the secretaries terminate the contract, they shall recommend to the department of administration that that department use a competitive request-for-proposal process to solicit offers from other organizations for performance of the services required of the data organization under the terminated contract. If no organization responds to the request for proposals or if a successor contract cannot be achieved, sub. (4) applies.

(4) If the contract with the data organization is terminated under sub. (3) and no organization responds to the request for proposals or a successor contract cannot be achieved, the department, in its capacity as a public health authority, shall collect health care information, including as specified under s. HFS 120.14 (1), Wis. Adm. Code, in effect on the effective date of this subsection .... [revisors inserts date], and may request health care claims information, which may be voluntarily provided by insurers or administrators, under this chapter; shall analyze and disseminate, or contract for the performance of analysis and dissemination of, the health care information; and may analyze and disseminate, or may contract for the performance of analysis and dissemination of, the health care claims information.

**SECTION 41.** 153.50 (intro.) of the statutes is created to read:

153.50 (intro.) Subject to s. 153.455:

**SECTION 42.** 153.50 (1) (b) 1m. of the statutes is created to read:

153.50 (1) (b) 1m. "Patient-identifiable data" does not include calculated variables that are derived from patient-identifiable data and the dissemination of which does not permit patient identification.

**SECTION 43.** 153.50 (1) (b) 2. (intro.) of the statutes is amended to read:

153.50 (1) (b) 2. (intro.) "Patient-identifiable data", for information submitted by health care providers who are not hospitals or ambulatory surgery centers and by insurers and administrators, means all of the following data elements:

**SECTION 44.** 153.50 (3) (intro.) of the statutes is amended to read:

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

**SECTION 45.** 153.50 (3) (a) of the statutes is amended to read:

153.50 (3) (a) Aggregate any data element category containing small numbers. The department, in so doing,

shall use procedures that are developed by the department ~~and approved by the board~~ and that follow commonly accepted statistical methodology.

**SECTION 46.** 153.50 (3) (b) (intro.) of the statutes is amended to read:

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

**SECTION 47.** 153.50 (3) (d) of the statutes is amended to read:

153.50 (3) (d) Require that a purchaser of data under this chapter sign and have notarized the data use agreement of the department ~~or of~~ the entity ~~specified in par. (e)~~, or the data organization, as applicable.

**SECTION 48.** 153.50 (3m) of the statutes is amended to read:

153.50 (3m) ~~HEALTH CARE PROVIDER PROVIDER, ADMINISTRATOR OR INSURER MEASURES TO ENSURE PATIENT IDENTITY PROTECTION.~~ A health care provider that is not a hospital or ambulatory surgery center or an insurer or an administrator shall, before submitting information required by the department, or by the data organization under contract under s. 153.05 (2r), under this chapter, convert to a payer category code as specified by the department or the data organization, as applicable, any names of an insured's payer or other insured's payer.

**SECTION 49.** 153.50 (4) (a) (intro.) of the statutes is amended to read:

153.50 (4) (a) (intro.) Except as specified in ~~par. pars.~~ (b) and (c), under the procedures specified in sub. (5), release of patient-identifiable data may be made only to any of the following:

**SECTION 50.** 153.50 (4) (a) 1. a. of the statutes is amended to read:

153.50 (4) (a) 1. a. An agent of the department who is responsible for the patient-identifiable data in the department, in order to store the data and ensure the accuracy of the information in the database of the department or to create a calculated variable that is derived from the patient-identifiable data.

**SECTION 51.** 153.50 (4) (a) 1. b. of the statutes is amended to read:

153.50 (4) (a) 1. b. An agent of the entity under contract under s. 153.05 (2m) (a) who is responsible for the patient-identifiable data of the entity, in order to store the data and ensure the accuracy of the information in the database of the entity or to create a calculated variable that is derived from the patient-identifiable data.

**SECTION 52.** 153.50 (4) (a) 1. c. of the statutes is created to read:

153.50 (4) (a) 1. c. An agent of the data organization under contract under s. 153.05 (2r) who is responsible for the patient-identifiable data of the data organization, in order to store the data and ensure the accuracy of the

information in the database of the data organization or to create a calculated variable that is derived from the patient-identifiable data.

**SECTION 53.** 153.50 (4) (a) 2. of the statutes is amended to read:

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

**SECTION 54.** 153.50 (4) (a) 3. of the statutes is amended to read:

153.50 (4) (a) 3. The department or its agent, for purposes of epidemiological investigation, or, with respect to information from health care providers that are not hospitals or ambulatory surgery centers, the department or the data organization under contract under s. 153.05 (2r), to eliminate the need for duplicative databases.

**SECTION 55.** 153.50 (4) (c) of the statutes is created to read:

153.50 (4) (c) The data organization under contract under s. 153.05 (2r) may not share health care claims data collected by the data organization unless the sharing is in compliance with 42 USC 1320d-2 and 1320d-4 and 45 CFR 164.

**SECTION 56.** 153.50 (5) (a) (intro.) of the statutes is amended to read:

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

**SECTION 57.** 153.50 (5) (b) (intro.) of the statutes is amended to read:

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

**SECTION 58.** 153.50 (5) (b) 1. of the statutes is amended to read:

153.50 (5) (b) 1. That the department ~~or~~ entity, or data organization, as applicable, is denying the request in whole or in part.

**SECTION 59.** 153.60 (title) of the statutes is amended to read:

**153.60 (title) Assessments to fund operations of department and board.**

**SECTION 60.** 153.60 (intro.) of the statutes is created to read:

153.60 (intro.) Subject to s. 153.455:

**SECTION 61.** 153.60 (1) of the statutes, as affected by Wisconsin Act 25, is amended to read:

153.60 (1) The department shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures under this chapter for the department and the board for that fiscal year for data collection, database development and maintenance, generation of data files and standard reports, orientation and training provided under s. 153.05 (9) (a) ~~and~~ maintaining the board, and contracting with the data organization under s. 153.05 (2r). The department shall assess the estimated total amount for that fiscal year, less the estimated total amount to be received for purposes of administration of this chapter under s. 20.435 (1) (hi) during the fiscal year and the unencumbered balance of the amount received for purposes of administration of this chapter under s. 20.435 (1) (hi) from the prior fiscal year, to health care providers, other than hospitals and ambulatory surgery centers, who are in a class of health care providers from whom the department collects data under this chapter in a manner specified by the department by rule. ~~The department shall obtain approval from the board for the amounts of assessments for health care providers other than hospitals and ambulatory surgery centers.~~ The department shall work together with the department of regulation and licensing to develop a mechanism for collecting assessments from health care providers other than hospitals and ambulatory surgery centers. No health care provider that is not a facility may be assessed under this subsection an amount that exceeds \$75 per fiscal year. All payments of assessments shall be credited to the appropriation under s. 20.435 (1) (hg).

**SECTION 62.** 153.60 (1) of the statutes, as affected by 2005 Wisconsin Act ... (this act), is amended to read:

153.60 (1) The department shall, by the first October 1 after the commencement of each fiscal year, estimate the total amount of expenditures under this chapter for the department ~~and the board~~ for that fiscal year for data collection, database development and maintenance, generation of data files and standard reports, orientation and training provided under s. 153.05 (9) (a), ~~maintaining the board~~, and contracting with the data organization under s. 153.05 (2r). The department shall assess the estimated total amount for that fiscal year, less the estimated total amount to be received for purposes of administration of this chapter under s. 20.435 (1) (hi) during the fiscal year and the unencumbered balance of the amount received for purposes of administration of this chapter under s. 20.435 (1) (hi) from the prior fiscal year, to health care providers, other than hospitals and ambulatory surgery

centers, who are in a class of health care providers from whom the department collects data under this chapter in a manner specified by the department by rule. The department shall work together with the department of regulation and licensing to develop a mechanism for collecting assessments from health care providers other than hospitals and ambulatory surgery centers. No health care provider that is not a facility may be assessed under this subsection an amount that exceeds \$75 per fiscal year. All payments of assessments shall be credited to the appropriation under s. 20.435 (1) (hg).

**SECTION 63.** 153.60 (3) of the statutes, as affected by 2005 Wisconsin Act 25, is repealed.

**SECTION 64.** 153.65 (1) of the statutes, as affected by 2005 Wisconsin Act 25, is amended to read:

153.65 (1) ~~The Subject to s. 153.455, 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 subsection shall be credited to the appropriation under s. 20.435 (1) (hi).

**SECTION 65.** 153.67 of the statutes is repealed.

**SECTION 66.** 153.75 (1) (intro.) of the statutes is amended to read:

153.75 (1) (intro.) ~~Following approval by the board, the~~ The department shall promulgate the following rules:

**SECTION 67.** 153.75 (1) (intro.) of the statutes, as affected by 2005 Wisconsin Act .... (this act), is amended to read:

153.75 (1) (intro.) The department shall promulgate the following rules, ~~of which pars. (a), (b), (f), (h), (m), (n), (o), (r), (t), and (u) shall apply only if the contract under s. 153.05 (2r) is terminated under s. 153.455 (3) and s. 153.455 (4) applies:~~

**SECTION 68.** 153.75 (2) (intro.) of the statutes is amended to read:

153.75 (2) (intro.) ~~Following approval by the board, the~~ The department may promulgate all of the following rules:

**SECTION 69.** 153.75 (2) (intro.) of the statutes, as affected by 2005 Wisconsin Act .... (this act), is amended to read:

153.75 (2) (intro.) The department may promulgate all of the following rules, which shall apply only if the contract under s. 153.05 (2r) is terminated under s. 153.455 (3) and s. 153.455 (4) applies:

**SECTION 70.** 153.75 (2) (d) of the statutes is repealed.

**SECTION 71.** 153.76 of the statutes is repealed.

**SECTION 72m. Appropriation changes.**

(1) CONTRACT WITH DATA ORGANIZATION. In the schedule under section 20.005 (3) of the statutes for the appropriation to the department of employee trust funds under section 20.515 (1) (ut) of the statutes, as affected by the acts of 2005, the dollar amount is increased by \$150,000 for fiscal year 2006–07 to provide one-time funding for the costs of contracting for data collection, analysis, and reporting of health care claims information by a data organization.

**SECTION 73. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) ELIMINATION OF BOARD ON HEALTH CARE INFORMATION. The treatment of sections 15.07 (2) (b) and (3) (bm) 1., 15.195 (6), 20.435 (1) (hg) (by SECTION 8), 153.01 (2), 153.05 (6r), 153.07, 153.50 (3) (a), 153.60 (title), 153.60 (1) (by SECTION 62), 153.75 (1) (intro.) (by SECTION 66) and (2) (intro.) (by SECTION 68), and 153.76 of the statutes takes effect on July 1, 2006.

(2) ELIMINATION OF INDEPENDENT REVIEW BOARD. The treatment of sections 15.195 (9), 153.45 (1) (b) 9. and 11. and (c) (intro.) and (6), and 153.67 of the statutes takes effect on July 1, 2006.

(3) VOLUNTARY HEALTH CARE PLAN REPORTING. The treatment of sections 153.05 (6r), 153.60 (3), and 153.75 (2) (d) of the statutes takes effect on the date specified in section 153.455 (1) of the statutes, as created by this act.

(4) ELIMINATION OF INTERAGENCY COORDINATING COUNCIL. The treatment of sections 15.107 (7) and 16.03 of the statutes takes effect on July 1, 2006.

(5) SUSPENSION OF RULES. The treatment of sections 153.75 (1) (intro.) (by SECTION 67) and (2) (intro.) (by SECTION 69) of the statutes takes effect on the date specified in section 153.455 (1) of the statutes, as created by this act.

(5m) FUNDING BY THE DEPARTMENT OF EMPLOYEE TRUST FUNDS. The treatment of sections 20.515 (1) (ut) (by SECTION 10n) and 153.05 (2r) (intro.) (by SECTION 20m) of the statutes takes effect on June 30, 2007.