

Fiscal Estimate Narratives

SPD 3/13/2014

LRB Number	13-3363/1	Introduction Number	AB-0759	Estimate Type	Updated
Description Accessing and obtaining patient health records by public defenders					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal and certain commitment proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

Under current law, a patient or person authorized by the patient may, among other things, inspect the patient's health care records, obtain copies of the patient's health care records for a reduced fee if the patient is eligible for Medical Assistance, and obtain copies of the patient's health care records without paying a certification fee or a retrieval fee. This bill specifies that an attorney appointed by the State Public Defender to represent the patient is a person authorized by the patient for purposes of inspecting and obtaining copies of the patient's health care records if that attorney has the patient's written informed consent.

The number of SPD clients that are Medical Assistance eligible is significant. While this bill is more significantly a process change than a fiscal impact, the SPD will realize a slight savings in paying for medical records at the Medical Assistance rate. In fiscal year 2013, the SPD paid third party medical records vendors \$24,372. If we were able to pay using the 25% Medical Assistance fee structure, we would have paid only \$6,093 for the records resulting in a savings to the agency of \$18,279.

Long-Range Fiscal Implications