Fiscal Estimate - 2013 Session

☐ Original ☑ Updated	Corrected Supplemental
LRB Number 13-3363/1	Introduction Number AB-0759
Description Accessing and obtaining patient health records	by public defenders
Fiscal Effect	
Appropriations Reve	Increase Costs - May be possible to absorb within agency's budget enues Increase Costs - May be possible to absorb within agency's budget Yes Decrease Costs
Permissive Mandatory Pern	5.Types of Local Government Units Affected Towns Village Cities Counties Others School WTCS Districts Districts
Fund Sources Affected GPR FED PRO PRS	Affected Ch. 20 Appropriations SEG SEGS 20.550(1)(f)
Agency/Prepared By	Authorized Signature Date
SPD/ Adam Plotkin (608) 264-8572	Adam Plotkin (608) 264-8572 3/13/2014

Fiscal Estimate Narratives SPD 3/13/2014

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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