2017 DRAFTING REQUEST

Bill

For:

Jimmy Anderson (608) 266-8570

Drafter:

swalkenh

By:

Logan

Secondary Drafters:

Date:

7/18/2017

May Contact:

Same as LRB:

-5439

Submit via email:

YES

Requester's email:

Rep.Anderson@legis.wisconsin.gov

Carbon copy (CC) to: sarah.walkenhorstbarber@legis.wisconsin.gov

tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Require hospitals to publish chargemaster

Instructions:

Require hospitals to publish chargemaster

Drafting History:

Vers.	<u>Drafted</u>	Reviewed	Submitted	Jacketed	Required
/?	swalkenh 1/19/2018	kmochal 1/19/2018			
/P1	swalkenh 1/26/2018		mbarman 1/19/2018		
/P2		kmochal 1/26/2018	dwalker 1/26/2018		
/1	swalkenh 1/26/2018	kmochal 1/26/2018	mbarman 1/26/2018	mbarman 2/22/2018	

FE Sent For:

<**END>**

Not Needel

Walkenhorst Barber, Sarah

From:

Vidal, Logan

Sent:

Friday, January 19, 2018 3:00 PM

To:

Walkenhorst Barber, Sarah

Subject:

RE: LRB-4005/P1

Hi Sarah,

No worries at all. The language from California looks great to me. I think that's a reasonable penalty, that would enforce compliance.

Best, Logan Vidal Office of Rep. Jimmy Anderson (608) 266-8570 Logan.Vidal@legis.wisconsin.gov

From: Walkenhorst Barber, Sarah Sent: Friday, January 19, 2018 2:14 PM

To: Vidal, Logan < Logan. Vidal@legis.wisconsin.gov>

Subject: RE: LRB-4005/P1

Hi Logan,

Sounds good, and apologies, by the way, that I missed you via telephone yesterday. I realized that I have one additional draft for you outstanding that I hope to send over yet this afternoon, and I'm happy to chat with you anytime.

Regarding your specific question on penalties, there might be others out there, but California references the following penalty in its Health and Safety Code (this penalty provision is specified in their legislation relating to the chargemaster):

HSC § 128770

(a) Any health facility or freestanding ambulatory surgery clinic that does not file any report as required by this chapter with the office is liable for a civil penalty of one hundred dollars (\$100) a day for each day the filing of any report is delayed. No penalty shall be imposed if an extension is granted in accordance with the guidelines and procedures established by the office.

It also appears that the penalty can be appealed and reduced or waived (I'm assuming by their Health Department equivalent).

Best, Sarah

Sarah Walkenhorst Barber

Legislative Attorney Wisconsin Legislative Reference Bureau P.O. Box 2037 Madison, WI 53701-2037 (608) 267 - 3215 sarah.walkenhorstbarber@legis.wisconsin.gov

From: Vidal, Logan

Sent: Friday, January 19, 2018 11:47 AM

To: Walkenhorst Barber, Sarah < Sarah. Walkenhorst Barber@legis.wisconsin.gov >

Subject: LRB-4005/P1

Hi Sarah,

Thank you so much for the draft. Jimmy does not want to grant an exemption for rural facilities, but he was curious what might make a reasonable penalty for compliance? He wants it to enforce compliance, but not to punish them indiscriminately.

Thanks again!
Logan Vidal
Office of Rep. Jimmy Anderson
(608) 266-8570
Logan.Vidal@legis.wisconsin.gov



State of Misconsin

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

Penvilled today

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AN ACT ...; relating to: requiring publication of hospital chargemasters.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

- **Section 1.** 146.902 of the statutes is created to read:
- 3 **146.902** Hospital chargemaster publication. (1) In this section:
 - (a) "Chargemaster" means a uniform schedule of charges represented by the hospital as its gross billed charge for a given service or item, regardless of payer type.
 - (b) "Hospital" has the meaning given in s. 50.33 (2).
 - (c) "Patient" has the meaning given in s. 146.81 (3).
 - (2) Beginning July 1, 2018, each hospital shall file a copy of its chargemaster annually with the department, in a format determined by the department.

SECTION 1

(3) Beginning July 1, 2018, each hospital shall make a written or electronic				
copy of its chargemaster available, either by posting an electronic copy of the				
chargemaster on the hospital's Internet site or by making one written or electronic				
copy available at the hospital location.				

(4) Each hospital shall post a clear and conspicuous notice in its emergency department, if any, in its admissions office, and in its billing office that informs patients that the hospital's chargemaster is available in the manner described in sub. (3).

****Note: Another state's legislation on this issue included a provision allowing the state's equivalent of the Department of Health Services the opportunity to compile and post the information submitted on its Internet site. The legislation also included an exception from the posting requirements for certain types of rural facilities. Please let me know if you would like to discuss or if you would like to make any changes. Also, do you want to include a penalty for noncompliance?

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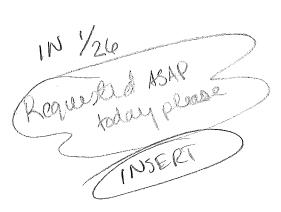
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State of Misconsin 2017 - 2018 LEGISLATURE

LRB-4005/P1 SWB:klm

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1P2 RmR



1 AN ACT to create 146.902 of the statutes; relating to: requiring publication of

hospital chargemasters

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

3 **Section 1.** 146.902 of the statutes is created to read:

146.902 Hospital chargemaster publication. (1) In this section:

- (a) "Chargemaster" means a uniform schedule of charges represented by the hospital as its gross billed charge for a given service or item, regardless of payer type.
 - (b) "Hospital" has the meaning given in s. 50.33 (2).
- (c) "Patient" has the meaning given in s. 146.81 (3).
- 9 **(2)** Beginning July 1, 2018, each hospital shall file a copy of its chargemaster annually with the department, in a format determined by the department.

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copy of its chargemaster available, either by posting an electronic copy of the					
chargemaster on the hospital's Internet site, or by making one written or electronic					
copy available at the hospital location.					

(4) Each hospital shall post a clear and conspicuous notice in its emergency department, if any, in its admissions office, and in its billing office that informs patients that the hospital's chargemaster is available in the manner described in sub. (3).

****Note: Another state's legislation on this issue included a provision allowing the state's equivalent of the Department of Health Services the opportunity to compile and post the information submitted on its Internet site. The legislation also included an exception from the posting requirements for certain types of rural facilities. Please let me know if you would like to discuss or if you would like to make any changes. Also, do you want to include a penalty for noncompliance?

(END)

1105

2017-2018 DRAFTING INSERT FROM THE LEGISLATIVE REFERENCE BUREAU

INSERT ANALYSIS

This bill requires each hospital to file a copy of its chargemasters with the Department of Health Services on an annual basis. The bill defines the term "chargemaster" as "a uniform schedule of charges represented by the hospital as its gross billed charge for a given service or item, regardless of payer type." Under the bill, hospitals must also make a written or electronic copy of the chargemaster available, either by posting an electronic copy of the chargemaster on the hospital Internet site, for by making a written or electronic copy available at the hospital location. In addition, hospitals must post a notice in the emergency department, if any, in the admissions office, and in the billing office, informing patients about the availability of the hospital's chargemaster. Finally, the bill imposes a forfeiture of \$100 for each day a hospital violates these requirements.

(END INSERT ANALYSIS)

INSERT 2-8

1 (5) Any hospital that violates sub. (2), (3), or (4) shall be subject to a forfeiture of \$100 for each violation, with each day of violation constituting a separate offense.

(END INSERT 2-8)

Walkenhorst Barber, Sarah

From:

Vidal, Logan

Sent:

Friday, January 26, 2018 11:13 AM

To:

Walkenhorst Barber, Sarah

Subject:

RE: Draft review: LRB -4005/P2

Hi Sarah,

This looks great. Thank you so much for all for your help on these!

Best, Logan Vidal Office of Rep. Jimmy Anderson (608) 266-8570 Logan.Vidal@legis.wisconsin.gov

From: Walkenhorst Barber, Sarah

Sent: Friday, January 26, 2018 11:10 AM

To: Vidal, Logan < Logan. Vidal@legis.wisconsin.gov>

Subject: FW: Draft review: LRB -4005/P2

Good morning, Logan:

Attached is a PDF copy of the /P2 version of LRB 17-4005, which incorporates an analysis and a proposed forfeiture provision per our previous communication. Please let me know if this looks okay. If so, I will go ahead and turn it to an introducible version.

Thanks! Sarah

Sarah Walkenhorst Barber

Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 3215
sarah.walkenhorstbarber@legis.wisconsin.gov

From: LRB.Legal

Sent: Friday, January 26, 2018 11:05 AM

To: Walkenhorst Barber, Sarah < Sarah. Walkenhorst Barber@legis.wisconsin.gov >

Subject: Draft review: LRB -4005/P2

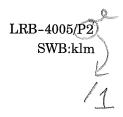
Draft Requester: Rep. Jimmy Anderson

Following is the PDF version of draft LRB -4005/P2.



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State of Misconsin 2017 - 2018 LEGISLATURE



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT to create 146.902 of the statutes; relating to: requiring publication of

hospital chargemasters and providing a penalty.

Analysis by the Legislative Reference Bureau

This bill requires each hospital to file a copy of its chargemasters with the Department of Health Services on an annual basis. The bill defines the term "chargemaster" as "a uniform schedule of charges represented by the hospital as its gross billed charge for a given service or item, regardless of payer type." Under the bill, hospitals must also make a written or electronic copy of the chargemaster available, either by posting an electronic copy of the chargemaster on the hospital Internet site or by making a written or electronic copy available at the hospital location. In addition, hospitals must post a notice in the emergency department, if any, in the admissions office, and in the billing office, informing patients about the availability of the hospital's chargemaster. Finally, the bill imposes a forfeiture of \$100 for each day a hospital violates these requirements.

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

3 **Section 1.** 146.902 of the statutes is created to read:

4 146.902 Hospital chargemaster publication. (1) In this section:

1	(a) "Chargemaster" means a uniform schedule of charges represented by the				
2	hospital as its gross billed charge for a given service or item, regardless of payer type.				
3	(b) "Hospital" has the meaning given in s. 50.33 (2).				
4	(c) "Patient" has the meaning given in s. 146.81 (3).				
5	(2) Beginning July 1, 2018, each hospital shall file a copy of its chargemaster				
6	annually with the department, in a format determined by the department.				
7	(3) Beginning July 1, 2018, each hospital shall make a written or electronic				
8	copy of its chargemaster available, either by posting an electronic copy of the				
9	chargemaster on the hospital's Internet site, or by making one written or electronic				
10	copy available at the hospital location.				
11	(4) Each hospital shall post a clear and conspicuous notice in its emergency				
12	department, if any, in its admissions office, and in its billing office that informs				
13	patients that the hospital's chargemaster is available in the manner described in				
14	sub. (3).				
15	(5) Any hospital that violates sub. (2), (3), or (4) shall be subject to a forfeiture				
16	of $\$100$ for each violation, with each day of violation constituting a separate offense.				
17	(END)				

Barman, Mike

From:

Vidal, Logan

Sent:

Wednesday, February 21, 2018 4:58 PM

To:

LRB.Legal

Subject:

Draft Review: LRB -4005/1

Please Jacket LRB -4005/1 for the ASSEMBLY.