

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:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	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 Needed

## Walkenhorst Barber, Sarah

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**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](mailto:sarah.walkenhorstbarber@legis.wisconsin.gov)

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**From:** Vidal, Logan  
**Sent:** Friday, January 19, 2018 11:47 AM  
**To:** Walkenhorst Barber, Sarah <[Sarah.WalkenhorstBarber@legis.wisconsin.gov](mailto:Sarah.WalkenhorstBarber@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](mailto:Logan.Vidal@legis.wisconsin.gov)



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4005?  
SWB:...  
1/11

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

IN 1/19  
Requested today  
pls

Generate  
catalog

1 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:***

2 SECTION 1. 146.902 of the statutes is created to read:

3 **146.902 Hospital chargemaster publication.** (1) In this section:

4 (a) "Chargemaster" means a uniform schedule of charges represented by the  
5 hospital as its gross billed charge for a given service or item, regardless of payer type.

6 (b) "Hospital" has the meaning given in s. 50.33 (2).

7 (c) "Patient" has the meaning given in s. 146.81 (3).

8 (2) Beginning July 1, 2018, each hospital shall file a copy of its chargemaster  
9 annually with the department, in a format determined by the department.

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

5           **(4)** Each hospital shall post a clear and conspicuous notice in its emergency  
6 department, if any, in its admissions office, and in its billing office that informs  
7 patients that the hospital's chargemaster is available in the manner described in  
8 sub. <sup>✓</sup>**(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?

9

**(END)**



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4005/P1  
SWB:klm

1/P2  
R.M.R.

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

INS 1/26  
Requested ASAP  
today please  
INSERT

1 AN ACT to create 146.902 of the statutes; relating to: requiring publication of  
2 hospital chagemasters. and providing a penalty

**Analysis by the Legislative Reference Bureau**

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

INS ANALYSIS

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

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**146.902 Hospital chagemaster publication.** (1) In this section:

(a) "Chagemaster" 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).

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INS

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8 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)

INS  
2-8

INS



**INSERT ANALYSIS**

This bill requires each hospital to file a copy of its chagemasters with the Department of Health Services on an annual basis. The bill defines the term "chagemaster" 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 chagemaster available, either by posting an electronic copy of the chagemaster 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 chagemaster. 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  
2 of \$100 for each violation, with each day of violation constituting a separate offense.

**(END INSERT 2-8)**

## **Walkenhorst Barber, Sarah**

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**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](mailto:Logan.Vidal@legis.wisconsin.gov)

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**From:** Walkenhorst Barber, Sarah  
**Sent:** Friday, January 26, 2018 11:10 AM  
**To:** Vidal, Logan <[Logan.Vidal@legis.wisconsin.gov](mailto: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](mailto:sarah.walkenhorstbarber@legis.wisconsin.gov)

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**From:** LRB.Legal  
**Sent:** Friday, January 26, 2018 11:05 AM  
**To:** Walkenhorst Barber, Sarah <[Sarah.WalkenhorstBarber@legis.wisconsin.gov](mailto:Sarah.WalkenhorstBarber@legis.wisconsin.gov)>  
**Subject:** Draft review: LRB -4005/P2

**Draft Requester: Rep. Jimmy Anderson**

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



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-4005/P2  
SWB:klm

11

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

1     **AN ACT to create** 146.902 of the statutes; **relating to:** requiring publication of  
2           hospital chagemasters and providing a penalty.

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***Analysis by the Legislative Reference Bureau***

This bill requires each hospital to file a copy of its chagemasters with the Department of Health Services on an annual basis. The bill defines the term “chagemaster” 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 chagemaster available, either by posting an electronic copy of the chagemaster 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 chagemaster. Finally, the bill imposes a forfeiture of \$100 for each day a hospital violates these requirements.

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***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 chagemaster publication.** (1) In this section:

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2 hospital as its gross billed charge for a given service or item, regardless of payer type.

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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**

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**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.