

## Chapter DHS 117

### FEES FOR COPIES OF HEALTH CARE PROVIDER RECORDS

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**Note:** Chapter HSS 117 was created as emergency rule effective January 1, 1993. Chapter HSS 117 was renumbered ch. HFS 117 under s. 13.93 (2m) (b) 1., Stats., and corrections were made under s. 13.93 (2m) (b) 6. and 7., Stats, Register, May, 1998, No. 509. **Chapter HFS 117 was renumbered chapter DHS 117 under s. 13.92 (4) (b) 1., Stats., and corrections made under s. 13.92 (4) (b) 7., Stats., Register January 2009 No. 637.**

**DHS 117.01 Authority and purpose.** This chapter is promulgated under the authority of ss. 146.83 (3m) and 908.03 (6m) (d), Stats., to establish uniform fees that are the maximum fees that may be charged for a copy of health care records under s. 146.83 (1) (b) or (c) or 908.03 (6m), Stats.

**History:** Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 03-111: am. Register March 2007 No. 615, eff. 4-1-07.

**DHS 117.02 Applicability.** Unless superseded by fees established by other applicable law, this chapter applies to all persons and entities who request duplicate health care records under s. 146.83 or 908.03 (6m), Stats., and to all health care providers who supply those records, either directly or indirectly through the provider's agent.

**Note:** An example of other applicable law is the fee limits imposed under s. 102.13 (2) (b), Stats., for worker's compensation cases.

**Note:** The fee limits in this chapter apply to requests for health care records whether or not a court action or administrative action has been commenced.

**History:** Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 03-111: am. Register March 2007 No. 615, eff. 4-1-07.

**DHS 117.03 Definitions.** In this chapter:

(1) "Department" means the Wisconsin department of health services.

(2) "Health care provider" includes any persons or entities specified in s. 146.81 (1), 655.001 (8) or 908.03 (6m) (a), Stats.

(3) "Health care records" has the meaning specified in s. 146.81 (4), Stats., including any billing statements.

(4) "Personal representative" means a person who both has authority under state law to act on behalf of the patient and qualifies as a "personal representative" under 45 CFR 164.502 (g).

**History:** Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 03-111: am. Register March 2007 No. 615, eff. 4-1-07; **correction in (1) made under s. 13.92 (4) (b) 6., Stats., Register January 2009 No. 637.**

**DHS 117.04 Request for duplicate records.** A person requesting duplicate health care records shall provide sufficient identifying information about the patient and the pertinent records to permit identification and location of the specific records. The request shall include all of the following:

(1) The correct name of the patient whose records are the subject of the request.

(2) The patient's identifying number, if known.

(3) The patient's date of birth, if known.

(4) A description of the records requested.

(5) The written informed consent of the patient or person authorized by the patient to give consent to release of the records, if required by law.

**History:** Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 03-111: am. Register March 2007 No. 615, eff. 4-1-07.

**DHS 117.05 Fees for duplicate records. (1) DEFINITION.** In this section, "x-ray copy" means a page containing one or more radiographic images.

(2) REQUESTS FOR RECORDS FROM THE PATIENT OR REQUESTS FROM THE PERSONAL REPRESENTATIVE OF THE PATIENT. If a patient or if the personal representative of the patient requests copies of the patient's health care records, the health care provider may charge no more than the following fees:

(a) For other than X-rays, all of the following:

1. Thirty-one cents per record page.

2. The actual costs of postage or other means of delivering the requested duplicate records to the person requesting the records.

(b) For X-rays, all of the following:

1. \$5.25 per X-ray copy.

2. The actual costs of postage or other means of delivering the requested duplicate records to the person requesting the records.

**Note:** Sales taxes, if applicable, also may be added to the fees charged under this subsection.

**Note:** When records are needed by or on behalf of indigents, the Department encourages health care providers to provide those records at as low a cost as possible.

(3) REQUESTS FOR RECORDS FROM INDIVIDUALS OTHER THAN THE PATIENT OR THE PATIENT'S PERSONAL REPRESENTATIVE. If a person is requesting copies of another person's health care records and the person making the request is not the personal representative of the patient, a health care provider may charge the requester no more than the following fees:

(a) For other than X-rays, all of the following:

1. a. For a request generating a total of up to 5 pages, \$12.50 per request.

b. For a request generating a total of 5 or more pages, \$15.00 per request.

2. Thirty-one cents per record page.

**Note:** The "per page" fee limit under subdivision 2. above applies to the total number of pages, and is in addition to the "per request" fee limit.

3. The actual costs of postage or other means of delivering the requested duplicate records to the person requesting the records.

(b) For X-rays, all of the following:

1. \$5.25 per X-ray copy.

2. The actual costs of postage or other means of delivering the requested duplicate records to the person requesting the records.

(c) 1. For certifying up to 5 pages of records, an additional \$5.00 per request.

2. For certifying 5 or more pages of records, an additional \$7.50 per request.

**Note:** Sales taxes, if applicable, may also be added to the fees charged.

**History:** Cr. Register, September, 1993, No. 453, eff. 10-1-93; CR 03-111: r. and recr. Register March 2007 No. 615, eff. 4-1-07.