



State of Wisconsin \ LEGISLATIVE AUDIT BUREAU

JANICE MUELLER  
STATE AUDITOR

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June 18, 2004

Senator Carol A. Roessler and  
Representative Suzanne Jeskewitz, Co-chairpersons  
Joint Legislative Audit Committee  
State Capitol  
Madison, Wisconsin 53702

Dear Senator Roessler and Representative Jeskewitz:

As you know, the Senate and Assembly health committees recently submitted letters to the Joint Legislative Audit Committee requesting that the Legislative Audit Bureau conduct an audit to:

- determine the relevant factors the Department of Health and Family Services should consider in establishing the fees that may be charged for copies of health care records under s. 146.83 Wis. Stats.; and
- determine the costs of those relevant factors.

At your request, and in order to obtain additional information to use in determining next steps, we convened a meeting of interested parties on June 4, 2004. Representatives of entities that provide and request copies of health care records attended the meeting, as did staff of the Senate and Assembly health committees, the Department of Health and Family Services, the Legislative Council, and the Legislative Fiscal Bureau. A complete listing of those in attendance and a summary of the discussion is enclosed for your reference.

While we believe the participants found the meeting useful, it is apparent that health care record providers and requestors continue to maintain very clear differences of opinion on the salient issues, including which factors should be considered in determining the actual costs of providing copies of health care records, the costs of those factors, and the adequacy of the procedures used by the Department of Health and Family Services in developing the fee structure presented in its proposed rule.

~~Should the Joint Legislative Audit Committee choose to consider this request, there appear to be at least three possible options:~~

- ~~Take no action.~~ The Department has already agreed to work with the health committees on modifications to its proposed rule.
- ~~Direct the Legislative Audit Bureau to conduct a review of the procedures used by the Department to construct the proposed rule.~~ As noted, there are differences of opinion among the interested parties as to whether the Department followed appropriate and effective procedures in obtaining information from an advisory committee it formed to support the development of the proposed rule.

Mix of  
2nd & 3rd  
option -  
2nd; for those  
willing to  
volunteer -

Senator Roessler and Representative Jeskewitz

Page 2

June 18, 2004

- ~~Direct the Legislative Audit Bureau to conduct a limited-scope review of the relevant factors and actual costs.~~ A limited-scope review could provide the Committee with information on the range of factors affecting costs and could analyze the cost and wage information obtained from providers of health care records. However, the cooperation of the providers of health care records would be required in order for us to proceed. In addition, a limited-scope review could identify policy options the Legislature may wish to consider in its review of the Department's revisions to the proposed rule.

We hope you find this information useful as you consider this request. Please contact me with any questions.

Sincerely,



Janice Mueller  
State Auditor

JM/DB/bm

Enclosure

cc: Representative Gregg Underheim

# Fees for Copies of Health Care Records

June 4, 2004

## Attending

Janice Mueller, Legislative Audit Bureau  
Joe Chrisman, Legislative Audit Bureau  
Don Bezruki, Legislative Audit Bureau  
Richard Sweet, Legislative Council  
Pam Shannon, Legislative Council  
Charlie Morgan, Legislative Fiscal Bureau  
Jennifer Halbur, Office of Senator Carol Roessler  
Randy Thorson, Office of Representative Gregg Underheim  
Dan Stier, Department of Health and Family Services  
Debra Sybell, State Bar of Wisconsin  
Bernard T. McCartan, American Family Insurance  
Janet Swandby, Association of Health Information Outsourcing Services  
Tom Kirshbaum, Dean Health Systems, Inc.  
Heather Penski, Dean Health Systems, Inc.  
Tow Berg, Marshfield Clinic  
Kathy Farnsworth, Marshfield Clinic  
Elizabeth Schumacher, Meriter Management Services  
Katie Boycks, Wisconsin Association of Life and Health Insurers  
Kathryn Ambelang, Wisconsin Association of Life and Health Insurers  
Sueann Darre, Wisconsin Medical Group Management Association  
Chrisann Lemery, Wisconsin Health Information Management Association  
Jodi Bloch, Wisconsin Hospital Association  
Bruce Bachhuber, Wisconsin Academy of Trial Lawyers  
Paul Sicula, Wisconsin Academy of Trial Lawyers  
Jim Hough, Civil Trial Council of Wisconsin

## Introduction

State Auditor Janice Mueller opened the meeting by thanking those in attendance for coming. Mueller explained that the health committees in each house of the Legislature had asked the Joint Legislative Audit Committee to be involved in considering a request for an audit of the fees for copies of health care records. Mueller stated that these requests were pending before the co-chairs of the Joint Legislative Audit Committee and that the Committee receives far more requests for audits than can be accommodated by the Legislative Audit Bureau. Mueller explained that, as a preliminary step, the co-chairs of the Committee requested that the Legislative Audit Bureau convene a meeting of the relevant parties to discuss the possibility of an audit.

## Background

Dan Stier (Department of Health and Family Services) indicated that this issue had been debated for some time, particularly between maintainers of health care records and lawyers who request records. Stier indicated that the Department was asked to develop a rule based on an approximation of actual costs. ~~The Department approached this task through a technical advisory committee that was equally balanced between record maintainers and record requesters.~~ Stier stated that the Department was charged with determining the content of the rule by working with those who had actual knowledge of the costs of providing records and he believed the Department did just that. ~~Stier did not believe the Department was directed to conduct field studies or surveys to obtain information.~~ Stier believed the advisory committee was split equally on most all issues that were before them. ~~Stier stated that the Department used widely available information and rejected information that was not adequately supported by the evidence.~~

Initially, the Department identified a \$14 to \$21 fee per request. As proposed in the rule, the fee was \$12.50 for small requests and \$15 for all other requests. ~~Stier reported considerable debate about whether factors such as profit, bad debt, high labor rate, and off-site storage costs should be included in the determination of the fee.~~ ~~Stier said the Department agreed that a 10% profit factor should be included, but that bad debt, a higher labor rate, and off-site storage costs were rejected.~~ Stier stated that the Department supports the rule as currently drafted.

~~Richard Sweet (Legislative Council) reported that the health committees in each house held a joint meeting to consider the rule. The decision of these committees to request an audit from the Joint Legislative Audit Committee has "stopped the clock" on the rule process for a time. The Department is waiting to make further modifications to the rule until an audit, if approved, is completed. During the interim, the Department continues to administer the old rule. However, Stier reminded the group that the Department has no enforcement authority associated with fees charged for copies of health care records.~~

## Discussion

Bruce Bachhuber (Wisconsin Academy of Trial Lawyers) ~~stated that there was a difference between "after suit" costs that are governed by HFS 117.05, and "pre-dispute requests" about which there is continuing debate.~~ Bachhuber said that HFS 117.05 may be the default rule, but record copying companies do not pay attention to the rule in setting fees.

~~Bernard McCartan (American Family Insurance) indicated that he was a member of the advisory committee formed by the Department. He explained that in addition to the fee factors developed by the Legislature, the Department also put together a project plan that set forth a methodology and invited input from the advisory committee. McCartan said the Department asked for specific information and said it would also consider any other information relevant to the inquiry. Therefore, McCartan was surprised to hear that some were asserting that they did not have a chance to give input. McCartan stated that while~~

he was not happy with the rule proposal, he believed he could live with it. McCartan confirmed Stier's statements that the Department used an open process to gather information.

~~Debra Sybell (State Bar of Wisconsin) indicated that the process broke down because some objected to the outcome of the process.~~

McCartan indicated that he was not aware of any objection to the methodology itself.

~~Janet Swandby (Association of Health Information Outsourcing Services) said that her clients presented a great deal of information throughout the process and raised questions. Swandby does not believe that the Department considered that information in drafting the rule and she was, in fact, waiting for the Department to ask additional questions about the material and those questions never came. The Department discussed a range of fees and the final version of the rule contained a lower fee than was ever considered in the range. Swandby said that the range proposed was between \$14 and \$24. The rule proposal was published as \$12.50.~~

Stier disagreed with Swandby's characterization and stated that, excluding small requests, the rate was \$15.

~~Swandby continued by stating that her clients had consistently indicated that a fee based on per page costs were problematic.~~

~~Christann Lemery (Wisconsin Health Information Management Association) explained that she submitted information and attended the only meeting held by the advisory committee. She indicated that she sent emails to Larry Hartzke in the Department and he would ask her questions about the material she submitted. However, Lemery stated that she did not hear anything about the status of the rule and then, suddenly, the fee was proposed.~~

Don Bezruki (Legislative Audit Bureau) asked the group to comment on how the Legislative Audit Bureau might go about obtaining information relevant to the issue.

Swandby suggested that it would not be necessary to reinvent the wheel. She noted that numerous independent studies had been done in the early 1990s that would be relevant for consideration. Swandby suggested that this information would give advice about the factors that should be considered by the Audit Bureau.

Mueller asked how the Legislative Audit Bureau would be able to assess the accuracy of the information presented in these studies.

Swandby stated that those who request records have no idea about what it costs to provide the services. In her view, one way to verify the information would be to consider a variety of sources and identify patterns in similar information.

Both Swandby and Lemery expressed concern about the use of a lower labor rate and/or the exclusion of bad debt from the determination of an appropriate fee.

Bezruki suggested that there were really two issues being discussed: 1) What should the labor rate be? and 2) What other factors should be considered in determining a fee structure? Bezruki noted that the Department had followed a process and exercised its judgment in answering both questions and asked the group to comment on how sound they found that process and judgment to be.

McCartan commented that the advisory group was very involved in the process of determining the fee structure. He indicated that the Department attempted to obtain broad, statewide input by creating a website where comments could be reviewed and posted. McCartan believed the process used by the Department was a very open one and he stated that he believed that the Department did consider the information it received in determining the fee structure.

Stier commented that the availability of a website lessened the significance of the fact that the advisory committee met only once.

Bezruki asked the group to consider the factors that were included and excluded from the proposed fee and restated Stier's comment that the advisory committee's votes had been split equally among the members.

McCartan indicated that he did not recall any votes being taken at the advisory committee, but suggested that it was clear that there was a division or "split" between the views of committee members.

Swandby stated that at least one vote was taken and it reflected the agreement of all parties that there should be one and only one structure for the fees. However, Swandby added that instead of one structure, the Department set up two structures for fees.

Mueller asked whether the advisory committee discussed who would pay and who would be exempt from paying for copies of health care records.

Jennifer Halbur (Office of Senator Carol Roessler) indicated that the issue was discussed at the public hearing.

True  
Stier added that the Department believed the Legislature had not allowed it to decide how to exempt anyone from paying for copies of health care records.

McCartan stated that an individual requestor asking for copies of health care records would not be charged a retrieval fee. Anyone else asking for copies of health care records would be charged a retrieval fee. McCartan stated that this structure was driven largely by federal HIPPA requirements.

Stier agreed with McCartan and indicated that the Department made the legal determination that we could not have one and only one fee structure due to the prescription of federal law.

Mueller asked the group to comment on how the Legislative Audit Bureau (LAB) could add value to the discussion of fees for copies of health care records.

McCartan suggested that LAB could start by assessing the procedures used by the Department to develop the rule. Then, if LAB believed there were other steps that should have been done or considered, then it could recommend those actions to the Department.

Sweet indicated that LAB could determine: 1) whether it costs less to perform smaller copying jobs; 2) the extent to which the actual cost of providing copies of health care records is affected by bad debt; 3) the labor rate that drives actual costs.

Lemery commented that the Department had asked for the top five most time-consuming steps in providing copies of health care records. Lemery wondered about the importance of the other steps that were not considered and stated that she did not understand what the Department did with that information.

Stier objected to the suggestion that someone would not be aware of what the Department did with information and stressed again his belief in the openness of the process.

Sybell commented that the involvement of LAB in the process centers on the legislative intent behind "actual costs." Sybell asked whether LAB could develop interpretations of legislative intent or if that was a task more appropriate for Legislative Council staff.

Mueller asked whether the interested parties had thought about getting in a room together and attempt to keep moving forward.

Swardby commented that such an approach was attempted before and was not successful. The eventual outcome was the law directing the Department to develop the administrative rule.

Tow Berg (Marshfield Clinic) stated that Marshfield Clinic knew that \$12.50 was low compared to the costs of providing copies of health care records and asked if LAB could look more broadly at other providers of records to compare costs.

Bachhuber indicated that there was a great disparity between the rates charged for copies of health care records. He also suggested that he could show fees that were far less than those proposed by the Department in the rule. Bachhuber further stated that his members are not happy with the proposed rule, but also recognized that it was a compromise. However, he stressed that he could provide information that shows the proposed rule set the fees at a high level.



Berg stated her belief that each individual organization should be able to determine its own actual costs.

Bachhuber disagreed with that statement and said that he had a request before him for 3 pages of records for which the requestor was charged \$40. He also had another request before him for 7 pages of records for which the requestor was charged \$46. Bachhuber stated that he could not tell a client that those costs were reasonable.

Mueller commented that LAB was often asked to determine "reasonability" and that the process always required some element of auditor judgment. Mueller asked how LAB might approach determining reasonability in this instance.

Kathryn Ambelang (Wisconsin Association of Life and Health Insurers) stated that at the hearing, the Committee had asked whether individual companies would be willing to open their accounts to LAB. However, some were concerned about making actual costs public for fear of lawsuit. Ambelang said that some wondered whether LAB would keep the information it reviewed confidential.

Mueller stated that when LAB becomes involved, it produces openness and could not guarantee confidentiality unless a memorandum of understanding or other agreement could be developed with the private businesses granting access. Mueller also asked the group whether they envisioned LAB determining a fee amount through an audit process.

Halbur stated her belief that Senator Roessler was looking for an independent body to assess the completeness of the process used by the Department in determining the proposed fee. Halbur did not believe that Senator Roessler expected LAB to develop a separate proposal for a fee structure.

Charlie Morgan (Legislative Fiscal Bureau) stated that determining whether or not the methodology used was sound is different than developing a separate proposal for a fee structure.

Sweet stated that LAB could add value by assessing the actual costs of providing copies of health care records.

Mueller noted that the cooperation of the private businesses would be required in order to assess actual costs.

Lemery stated that obtaining cooperation from the members of her organization would not be a problem.

Bachhuber suggested that asking private business to report their actual costs to LAB is insufficient without some independent verification of those costs. If that process of verification were to happen in secret, then his organization would have a problem with the process.



Swandby suggested that LAB could look at the payroll data for the companies she represents.

Bezruki summarized the discussion thus far by saying that he had not heard anyone say there was a lack of opportunity to provide information. Rather, he heard comments that individuals were not certain that the information provided was considered. In summary, then, Bezruki stated that the Department did its job, but that there was displeasure with the outcome. Bezruki then asked the group to consider the process LAB might use for analyzing actual costs.

Swandby suggested that one of her clients was concerned about providing actual cost information to LAB because they knew that the trial lawyers were interested in obtaining it as the basis for lawsuit. However, Swandby suggested that LAB could contact the client to learn more about the process for providing copies of health care records.

Sueann Darre (Wisconsin Medical Group Management Association) said that her clinic managers are very willing to work with LAB and were interested in exploring which factors should be included in determining the fees. She noted that there did not seem to be consensus about which factors should be included in determining the fees. If steps were taken to build that consensus first, then LAB would be better positioned to determine actual costs.

Sybell reviewed the factors involved and stated that the Department developed the idea of a removal fee. However, that amount was determined without the profit or subsidization consideration. Then, subsequently, the determination was made to include a profit factor, but not a bad debt factor or a non-billable factor.

Randy Thorson (Office of Representative Gregg Underheim) noted that Representative Underheim wanted to better understand three main points: 1) the high cost of labor; 2) the costs of storage; and 3) where subsidization was occurring. Thorson believed that Representative Underheim was not looking for LAB to create a new proposal for a fee structure. Instead, he believed that Representative Underheim was interested in LAB's assessment of the process used by the Department and the Department's methodology for determining its fee proposal. He also suggested that any options from LAB for a better process or methodology would be welcomed.

Mueller asked the group to comment on whether the fees set by Wisconsin for copies of health care records were low in comparison to other states.

Sybell said Wisconsin was not low. She said Wisconsin was unique in that our statutes required fees to be set based on an approximation of actual costs.

Mueller said that LAB would need to develop options for the Joint Legislative Audit Committee in considering this request for an audit of fees for copies of health care records. However, she suggested that in the end there might still be differences between parties on this issue.

Sweet suggested that LAB could put a price tag on each factor. For example, by building upon the fee proposal of the Department, the inclusion of a factor for storage costs would add \$X to the fee.

Sifer said that the Department did that in its proposal in percentage terms for a variety of factors.

Swandby stressed again that the per page charge was objectionable because it was so low. She also commented that the issue of profit is a sticky point for record requestors. However, based on the testimony at the hearing, profit is not the issue. She stated her belief that if the companies she represented were to disappear, the costs for providing copies of health care records would be higher. The specialized services that these companies provide lead to savings, in Swandby's view.

Swandby also believed that the exclusion of the bad debt factor was erroneous and inappropriately rewarded those attorneys that do not pay their bills.

Mueller asked Swandby to quantify the percentage of requestors that do not pay for copies of records. Swandby did not have the answer, but said she could obtain it.

Bachhuber stated that attorneys must pay in advance for records and that is the uniform practice. He stressed that the accusation that attorneys are responsible for bad debt is absolutely false. Bachhuber indicated that the fees charged to attorneys for copies of records are the highest fees collected by record providers. Bachhuber commented that the fees charged for copies of health care records were not based on actual costs.

Bezruki asked the group whether the study by Ruth Dunn, referenced in the Department's materials, was balanced and appropriate.

Swandby said that she believed the Department started with a good approach by referencing the study. However, she acknowledged that much of the Dunn study is based on older methods for providing copying services.

Morgan asked the group if they anticipated that LAB would solicit new information as part of its audit process or instead limit its review to information previously provided to the Department.

Thorson stated that, at the hearing, access to private business records was pledged. He stressed that Representative Underheim wants a fair outcome and was interested in LAB's determination of fairness.

Mueller asked the group to comment honestly on whether they would vote to seek LAB involvement in this issue at this time.

Swandby stated that her clients have no problem with the concept of outside review.

Lemery indicated that those who testified at the hearing did offer to provide information to LAB.

Sybell indicated that there was already a process created for providing information.

Bachhuber agreed and asked why there was now urgent data that was not provided previously. He also suggested that fear of potential lawsuit should not be the basis for not providing actual cost data. If a private business was charging fees based on actual costs, then there would be no grounds for a lawsuit.

Darre suggested that we know that only the top five most time-consuming tasks were considered in determining the fee and asked that the other tasks be considered.

Sybell stated that the Department added 27 minutes of time to perform these other tasks and suggested that originally, the providers asked for 10 minutes.

McCartan summarized by suggesting that LAB review the reasonableness of the Department's process for determining the fee structure. He also suggested that LAB determine whether or not gaps existed in the process. If so, LAB should inform the Legislature and ask the Department to make adjustments. McCartan stated that if we determined that discretion was delegated by the Legislature to the Department and that the Department appropriately used that discretion, then the inquiry could stop there.

Bezruki asked the group if the Department determined that actual costs would be based on an individual request. Bezruki also inquired about the frequency of the review process for updating the administrative rule.

Stier indicated that was not the basis for the Department's process. Instead, there was an invitation to consider all relevant factors in determining the fee.

Bachhuber replied that since the law says the Department shall revise every three years, then it cannot revise more frequently.

#### Closing

Mueller thanked all present for their participation and candor in the discussion. She stated that LAB would respond to policy makers with a range of options for LAB's involvement. Mueller said that we will be in communication with the co-chairs of the Joint Legislative Audit Committee and Representative Underheim. She indicated that if we were to engage in an audit, it could take months—not weeks—to review the Department process, contact other states, and possibly audit the actual costs of private businesses.

# AGENDA

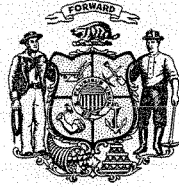
## Fees for Copies of Health Care Records

June 4, 2004  
9:00 a.m.

- I. Introductions and Process Description  
(**Legislative Audit Bureau**)
  
- II. Background and Current Status of the Administrative Rule  
(**Legislative Council; Department of Health and Family Services**)
  
- III. Potential Audit Issues
  - A. Audit procedures for determining the factors to consider in setting fees
  - B. Audit procedures for determining actual costs
  
- IV. Options for the Joint Legislative Audit Committee

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WISCONSIN STATE SENATE



**Carol Roessler**  
STATE SENATOR

April 23, 2004

Senator Carol Roessler  
Representative Suzanne Jeskewitz  
Co-Chairpersons, Joint Audit Committee  
State Capitol  
Madison, WI 53701

Dear Co-Chairpersons Roessler and Jeskewitz:

On April 8, 2004, the Senate Committee on Health, Children, Families, Aging and Long Term Care took executive action on Clearinghouse Rule 03-111, relating to fees for copies of health care records. The committee approved the following motion regarding the rule:

The Senate Committee requests that the Joint Audit Committee direct the Legislative Audit Bureau to determine what factors, including those in s. 146.83(3m)(a), Stats., should be considered in making an approximation of actual costs of providing copies of health care records of health care providers and others who maintain records for health care providers; and request information from health care providers and others who maintain health care records regarding the costs attached to these factors.

Therefore, on behalf of the Senate Committee on Health, Children, Families, Aging and Long Term Care, I request that the Joint Audit Committee direct the Legislative Audit Bureau to comply with the request as stated in the above motion. I hope that this can be done as quickly as possible so that a rule may be promulgated in this area.

Sincerely,

CAROL ROESSLER  
State Senator  
18th Senate District



State of Wisconsin  
**Department of Health and Family Services**

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Jim Doyle, Governor  
Helene Nelson, Secretary

APR 13 2004

April 9, 2004

The Honorable Carol A Roessler  
Wisconsin State Senate  
Room 8 South  
State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

The Honorable Gregg Underheim  
Wisconsin State Assembly  
Room 11 North  
State Capitol  
P.O. Box 8953  
Madison, WI 53708

Dear Senator Roessler and Representative Underheim:

This letter concerns recent testimony provided by Larry Hartzke on behalf of the Department regarding CR 03-111. As you know, this proposed rule prescribes fees for reproducing patient health care records. Unfortunately, perhaps motivated by an abundance of humility, Mr. Hartzke responded to questions concerning field surveys and time studies by stating that he lacked the skills or didn't know how to accomplish these tasks. I want to set the record straight with regard to those comments.

The Department, under my supervision and that of our Chief Legal Counsel, Dan Stier, devoted considerable time and effort to develop the proposed rule. Following a legislative directive, the Department established a balanced advisory committee consisting of seven "maintainer" members and seven "requester" members. We also established a website to assist in the rule's development. Advisory committee members and other interested parties were encouraged to provide information to assist in development of fees based on an approximation of actual costs as directed by the Legislature.

The Department relied on advisory committee members to produce cost data. Members representing maintainers were clearly in the best position to produce reliable and complete cost data. Though the Legislature did not authorize the Department to conduct time studies or field surveys, committee members could have produced evidence of such studies and surveys or any other data they believed would assist in the development of reasonable cost-based fees. The Department provided every opportunity to produce data and imposed no limits on the type of data it would accept.

After a full opportunity to produce data, the advisory committee met to consider the data and to hopefully arrive at a consensus. No consensus was achieved. As evidenced at the

**Wisconsin.gov**

Joint Committee hearing, potential for a meeting of the minds between maintainers and requesters does not appear to exist. And, although there was consensus for the proposed rule, I firmly believe it is both fair and consistent with legislative intent.

I believe the Department developed and implemented a plan for rule development entirely consistent with legislative directions. Despite the lack of consensus, and despite my belief that agreement between record maintainers and requesters cannot be reached, our Department stands ready to assist the Legislature in attempting to find a solution.

Sincerely,



Diane Welsh  
Executive Assistant

cc: Members, Senate Committee on Health , Children, Families, Aging and Long Term  
Care  
Members, Assembly Committee on Health



**Motion**

**The Senate Committee on Health, Children, Families, Aging and Long Term Care:**

- 1. Requests that the Joint Audit Committee direct the Legislative Audit Bureau to determine what factors, including those in s. 146.83(3m)(a), Stats., should be considered in making an approximation of actual costs of providing copies of health care records of health care providers and others who maintain records for health care providers; and request information from health care providers and others who maintain health care records regarding the costs attached to these factors.**
  
- 2. Requests the Department of Health and Family Services to modify Clearinghouse Rule 03-111. The Department shall consider the findings of the Legislative Audit Bureau when modifying the proposed rule. If the Department does not agree, by the end of the Committee's current review period, to consider making modifications, the Committee objects to the proposed rule under s. 227.19(4)(d), Stats.**

AYE \_\_\_\_\_

NO   X  

Senator   *Chuck Chala*

Motion

The Senate Committee on Health, Children, Families, Aging and Long Term Care:

1. Requests that the Joint Audit Committee direct the Legislative Audit Bureau to determine what factors, including those in s. 146.83(3m)(a), Stats., should be considered in making an approximation of actual costs of providing copies of health care records of health care providers and others who maintain records for health care providers; and request information from health care providers and others who maintain health care records regarding the costs attached to these factors.
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AYE \_\_\_\_\_

NO X \_\_\_\_\_

Senator

Judith S. Nelson

*Carol - I thought the agreement was:  
The Audit Bureau would determine a fair price after the record companies open their books to determine actual costs.*

WISCONSIN STATE SENATE



**Carol Roessler**  
STATE SENATOR

April 2, 2004

To: Senate Committee on Health, Children, Families, Aging and Long Term Care  
Members

From: Senator Carol Roessler, Chair

Re: Paper Ballot for CR 03-111

Please find attached a paper ballot for the following rule:

**CR 03-111**: Relating to fees for copies of health care records.

**Please return this ballot to my office by 3:00 pm on Thursday April 8, 2004.**



WISCONSIN STATE SENATE



**Carol Roessler**  
STATE SENATOR

April 2, 2004

To: Senate Committee on Health, Children, Families, Aging and Long Term Care  
Members

From: Senator Carol Roessler, Chair

Re: Paper Ballot for CR 03-111

Please find attached a paper ballot for the following rule:

**CR 03-111**: Relating to fees for copies of health care records.

**Please return this ballot to my office by 3:00 pm on Thursday April 8, 2004.**

Motion

The Senate Committee on Health, Children, Families, Aging and Long Term Care:

1. Requests that the Joint Audit Committee direct the Legislative Audit Bureau to determine what factors, including those in s. 146.83(3m)(a), Stats., should be considered in making an approximation of actual costs of providing copies of health care records of health care providers and others who maintain records for health care providers; and request information from health care providers and others who maintain health care records regarding the costs attached to these factors.
  
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AYE  \_\_\_\_\_

NO \_\_\_\_\_

Senator \_\_\_\_\_

*Carol Rossler*

WISCONSIN STATE SENATE



**Carol Roessler**  
STATE SENATOR

April 2, 2004

To: Senate Committee on Health, Children, Families, Aging and Long Term Care  
Members

From: Senator Carol Roessler, Chair

Re: Paper Ballot for CR 03-111

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**Please return this ballot to my office by 3:00 pm on Thursday April 8, 2004.**



**Motion**

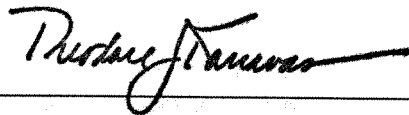
**The Senate Committee on Health, Children, Families, Aging and Long Term Care:**

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AYE  \_\_\_\_\_

NO \_\_\_\_\_

Senator \_\_\_\_\_





**Carol Roessler**  
STATE SENATOR

April 2, 2004

To: Senate Committee on Health, Children, Families, Aging and Long Term Care  
Members

From: Senator Carol Roessler, Chair

Re: Paper Ballot for CR 03-111

Please find attached a paper ballot for the following rule:

**CR 03-111**: Relating to fees for copies of health care records.

**Please return this ballot to my office by 3:00 pm on Thursday April 8, 2004.**

**Motion**

**The Senate Committee on Health, Children, Families, Aging and Long Term Care:**

- 1. Requests that the Joint Audit Committee direct the Legislative Audit Bureau to determine what factors, including those in s. 146.83(3m)(a), Stats., should be considered in making an approximation of actual costs of providing copies of health care records of health care providers and others who maintain records for health care providers; and request information from health care providers and others who maintain health care records regarding the costs attached to these factors.**
  
- 2. Requests the Department of Health and Family Services to modify Clearinghouse Rule 03-111. The Department shall consider the findings of the Legislative Audit Bureau when modifying the proposed rule. If the Department does not agree, by the end of the Committee's current review period, to consider making modifications, the Committee objects to the proposed rule under s. 227.19(4)(d), Stats.**

**AYE** \_\_\_\_\_

**NO** \_\_\_\_\_

**Senator** \_\_\_\_\_  


WISCONSIN STATE SENATE



**Carol Roessler**  
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AYE   X  

NO \_\_\_\_\_

Senator \_\_\_\_\_

*Ronald W. Brown*



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