

1989 Senate Bill 48

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1989 WISCONSIN ACT 18

AN ACT to amend 153.05 (1) (intro.) and (d), 153.05 (2), 153.20, 153.40 (2) and (3), 153.45 (1) (b), 153.50, 153.60 (2) and 153.75 (1) (c), (d) and (j); to repeal and recreate 153.05 (1) (e); and to create 153.75 (1) (k) and (L) and 153.90 (3) of the statutes; and to affect 1987 Wisconsin Act 399, section 3024 (16m) (f) (intro.), relating to: the office of health care information and granting rule-making authority.

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

SECTION 1. 153.05 (1) (intro.) and (d) of the statutes are amended to read:

153.05 (1) (intro.) In order to provide to hospitals, health care providers, insurers, consumers, governmental agencies and others information concerning hospital service utilization, charges, revenues, expenditures, mortality and morbidity rates and uncompensated health care of indigents services, and in order to provide information to assist in peer review for the purpose of quality assurance, the office shall collect, analyze and disseminate, in language that is understandable to lay persons, health care information obtained from the following data sources:

(d) Hospital-specific ~~charity~~ uncompensated health care services reports, plans and projections.

SECTION 2. 153.05 (1) (e) of the statutes is repealed and recreated to read:

153.05 (1) (e) Final audited financial statements of hospitals that include, for a hospital's most recent entire fiscal year, as dollar amounts, the amounts of revenue and expenditures for the hospital, in categories specified by the department by rule.

SECTION 3. 153.05 (2) of the statutes is amended to read:

153.05 (2) The office shall provide copies of reports published under ss. 153.10 to 153.35 at no charge to hospitals assessed under s. 153.60 (1) and, if assessed, at no

charge to ambulatory surgery centers assessed under s. 153.60 (2). The office shall provide copies of the reports to any person, upon the person's request, and the board shall advise the ~~bureau~~ office as to whether the copies shall be provided at no charge or at a charge not to exceed the cost of printing, copying and mailing the report to the person.

SECTION 4. 153.20 of the statutes is amended to read:

153.20 (title) **Uncompensated health care services report.** (1) Beginning in 1990 and annually thereafter, the office shall prepare and submit to the governor and to the chief clerk of each house of the legislature for distribution to the legislature under s. 13.172 (2) a report setting forth the number of patients to whom uncompensated health care services were provided by each hospital and the total ~~costs of~~ charges for the uncompensated health care services provided to the patients for the preceding year, together with the number of patients and the total ~~costs~~ charges that were projected by the hospital for that year in the plan filed under sub. (2).

(2) Beginning in 1990 and annually thereafter, every hospital shall file with the office a plan setting forth the projected number of patients to whom uncompensated health care services will be provided by the hospital and the projected total ~~costs of~~ charges for the uncompensated health care services to be provided to the patients for the ensuing year.

SECTION 5. 153.40 (2) and (3) of the statutes are amended to read:

153.40 (2) The office shall be responsible for assuring that appropriate editing is conducted for all submitted data to identify systematic errors, missing data, values beyond an allowed range, illegal codes within a range, illogical sequence of dates, diagnoses and procedures inconsistent with age and sex, other data failing internal consistency checks and other patterns inconsistent with what would be expected. The office shall notify hospitals, ambulatory surgery centers or, beginning ~~October 1, 1991~~ April 1, 1992, other health care providers of missing or incorrect information under this subsection.

(3) Hospitals, ambulatory surgery centers or, beginning ~~October 1, 1991~~ April 1, 1992, other health care providers shall be responsible for resolving the errors found by the editing under sub. (2) and shall resubmit corrected data within 10 working days after receiving written notification from the office of the errors.

SECTION 6. 153.45 (1) (b) of the statutes is amended to read:

153.45 (1) (b) Public use tapes which do not permit the identification of specific patients, physicians, employers or other persons health care providers, as defined by rules promulgated by the department. The identification of these groups shall be protected by all necessary means, including the deletion of patient identifiers and the use of calculated variables and aggregated variables.

SECTION 7. 153.50 of the statutes is amended to read:

153.50 Protection of patient confidentiality. ~~Case-specific Patient-identifiable~~ data obtained under this chapter and contained in the discharge data base of the office is not a ~~public record~~ subject to inspection, copying or receipt under s. 19.35 (1) and may not be released by the office, except to the patient or to a person granted permission for release by the patient and except that a hospital, a physician, the agent of a hospital or physician or the department may have access to ~~case-specific~~ patient-identifiable data to ensure the accuracy of the information in the discharge data base. The department may also have access to the ~~data~~ discharge system data base for the purposes of completing epidemiological reports and eliminating the need to maintain a data base that duplicates that of the office, if the department does not release or otherwise provide access to the ~~case-specific~~ patient-identifiable data.

SECTION 8. 153.60 (2) of the statutes is amended to read:

153.60 (2) Beginning July 1, 1989, the office may assess ambulatory surgery centers under this section, using as the basis for individual ambulatory surgery center assessments the methods and criteria promulgated by rule by the department under s. 153.75 (1) ~~(b)~~ (k).

SECTION 9. 153.75 (1) (c), (d) and (j) of the statutes are amended to read:

153.75 (1) (c) Regarding the scope of health care information required under s. 153.05 (8) from health care providers other than hospitals and ambulatory surgery centers, and defining the term "health care provider" for this purpose and for purposes of s. 153.45 (1) (b) and specifying forms to be used to collect the information.

(d) Determining the diagnostic-related groups or up to 100 charge elements, based on those most frequently used by hospitals in the aggregate, for purposes of the reports under ss. 153.05 (1) (c) and 153.10 (1) (a).

(j) Specifying the categories for reporting revenue and expenditures under s. 153.05 (1) (e) ~~4~~.

SECTION 10. 153.75 (1) (k) and (L) of the statutes are created to read:

153.75 (1) (k) Establishing methods and criteria for assessing hospitals and ambulatory surgery centers under s. 153.60.

(L) Defining the term "uncompensated health care services" for the purposes of ss. 153.05 (1) (d) and 153.20.

SECTION 11. 153.90 (3) of the statutes is created to read:

153.90 (3) The department may directly assess forfeitures under sub. (2). If the department determines that a forfeiture should be assessed for a particular violation or for failure to correct the violation, the department shall send a notice of assessment to the alleged violator. The notice shall specify the alleged violation of the statute or rule and the amount of the forfeiture assessed and shall inform the alleged violator of the right to contest the assessment under s. 227.44.

SECTION 12. 1987 Wisconsin Act 399, section 3024 (16m) (f) (intro.) is amended to read:

[1987 Wisconsin Act 399] Section 3024 (16m) (f) *Health care status report by the office of health care information.* (intro.) The office of health care information shall, by July 1, 1989, submit to the governor and the chief clerk of each house of the legislature for distribution to the legislature under section 13.172 (2) of the statutes a report that shall include all of the following: