



State of Wisconsin  
1997 - 1998 LEGISLATURE

LRBs0374/3  
DAK;jlg:ijs

**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1997 SENATE BILL 250**

January 15, 1998 – Offered by COMMITTEE ON HEALTH, HUMAN SERVICES, AGING,  
CORRECTIONS, VETERANS AND MILITARY AFFAIRS.

1     **AN ACT to amend** 146.83 (1) (b), 908.03 (6m) (d) and 908.03 (6m) (d); and **to**  
2           **create** 146.83 (3m) of the statutes; **relating to:** fees chargeable for duplicate  
3           health care records and X-ray reports and referral of X-rays and granting  
4           rule-making authority.

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

5           **SECTION 1.** 146.83 (1) (b) of the statutes is amended to read:

6           146.83 (1) (b) ~~Receive~~ After March 31, 1999, receive a copy of the patient's  
7           health care records upon payment of ~~reasonable costs~~ fees, as established by rule  
8           under sub. (3m).

9           **SECTION 2.** 146.83 (3m) of the statutes is created to read:

10           146.83 (3m) The department shall, by rule, prescribe fees that are based on an  
11           approximation of actual costs. The fees, plus applicable state tax, are the maximum  
12           amount that a health care provider may charge under sub. (1) (b) for duplicate

1 patient health care records and under sub. (1) (c) for duplicate X-ray reports or the  
2 referral of X-rays to another health care provider of the patient's choice. The rule  
3 shall also permit the health care provider to charge for actual postage or other actual  
4 delivery costs.

5 **SECTION 3.** 908.03 (6m) (d) of the statutes is amended to read:

6 908.03 **(6m)** (d) *Fees.* ~~The~~ Before April 1, 1999, the department of health and  
7 family services shall, by rule, prescribe uniform fees that are based on an  
8 approximation of ~~the~~ actual costs. The fees, plus applicable state tax, are the  
9 maximum amount that a health care provider may charge ~~under par. (e) 3.~~ for  
10 certified duplicate patient health care records. The rule shall also allow the health  
11 care provider to charge for actual postage or other actual delivery costs. The  
12 commencement of an action is not a prerequisite for the application of this  
13 paragraph.

14 **SECTION 4.** 908.03 (6m) (d) of the statutes, as affected by 1997 Wisconsin Act  
15 .... (this act), is amended to read:

16 908.03 **(6m)** (d) *Fees.* ~~Before April 1, 1999~~ After March 31, 1999, the  
17 department of health and family services shall, by rule, prescribe uniform fees that  
18 are based on an approximation of actual costs. The fees, plus applicable state tax,  
19 are the maximum amount that a health care provider may charge for certified  
20 duplicate patient health care records. The rule shall also allow the health care  
21 provider to charge for actual postage or other actual delivery costs. ~~The~~  
22 ~~commencement of an action is not a prerequisite for the application of this paragraph~~  
23 For duplicate patient health care records and duplicate X-ray reports or the referral  
24 of X-rays to another health care provider that are requested prior to commencement  
25 of an action, s. 146.83 (1) (b) and (c) and (3m) applies.

