



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2001 Senate Bill 71	Senate Amendment 1
Memo published: March 30, 2001	Contact: Laura Rose, Deputy Director (266-9791)

Current law requires the Department of Health and Family Services (DHFS) to prescribe, by rule, uniform fees that a health care provider may charge attorneys to obtain certified duplicate health care records that are subject to subpoena. The uniform fees must be based on an approximation of actual costs that a health care provider may charge for certified duplicate health care records. The rule must also allow the health care provider to charge for postage or other delivery costs. Currently, the DHFS rules permit a health care provider to charge attorneys the greater of \$8.40 per request or \$.45 per record page for the first 50 pages and \$.25 per record page for the remaining pages, \$4.00 for each x-ray copy and the actual costs of postage or other means of delivery of the records. [ch. HFS 117, Wis. Adm. Code.]

Under a separate provision of current law, relating to patient health care records, patients or other persons may receive a copy of the patient's health care record upon submitting a statement of informed consent for the release and upon payment of reasonable costs. [s. 146.83 (1) (b), Stats.] The rules promulgated by DHFS under ch. HFS 117, Wis. Adm. Code, do not apply to these costs.

2001 Senate Bill 71 requires the DHFS to promulgate new rules prescribing uniform fees for duplicate patient health care records which would apply as of April 1, 2003. The fees, which must be based on an approximation of actual costs, plus applicable state tax, are the maximum amount that a health care provider may charge for certified duplicate patient health care records and x-ray reports. The rules must also allow the health care provider to charge for actual postage or other actual delivery costs. Under the bill, the DHFS must promulgate rules for uniform fees for health care records that are requested by attorneys and that are subject to subpoena, as well as for records that are requested prior to commencement of a court action, or that are requested under s. 146.83, Stats.

Finally, the bill provides that, prior to the effective date of the new rules, a health care provider may also charge *applicable state tax*, as well as *actual* postage or other delivery costs for records requested and provided under the current rules. In addition, the bill specifies that the commencement of a court action is no longer a prerequisite for the application of the uniform fees that a health care

provider may charge for certified duplicate patient health care records. These provisions take effect the day after publication of the act.

Senate Amendment 1 changes the effective date from April 1, 2003 to July 1, 2002 for the new rules to be promulgated by DHFS.

The Senate Committee on Health, Utilities, Veterans and Military Affairs recommended adoption of Senate Amendment 1 by a vote of Ayes, 7; Noes, 2; on March 28, 2001. Passage of Senate Bill 71, as amended, was recommended by that committee by a vote of Ayes, 7; Noes, 2; on that same date.

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