



# WISCONSIN LEGISLATURE

P.O. Box 7882 Madison, WI 53707-7882

June 26, 2009

Hon. Jim Doyle  
Governor  
East Wing  
State Capitol

**--HAND DELIVERED--**

Dear Governor Doyle,

We are writing to express our deep concern with budget bill provisions relating to medical records access and copy fees. These provisions were hastily drafted and inserted into the budget without a thorough understanding of their impact on health care costs, jobs, compliance with federal HIPAA law, and our ability to move forward with conversion to electronic medical records.

Specifically, we are concerned:

- That these provisions contradict federal privacy laws (HIPAA) and will lead to confusion among patients and health care providers including the imposition of time limits on the delivery of records that are also in conflict with federal HIPAA rules
- That these provisions will mandate in statute permanent, inflexible and mandatory fees far below the actual cost of producing records. For example, the fees established under these provisions fail to take into account the costs related to determining what information contained in a record is legal to release under HIPAA resulting in further increases in the cost of health care at a time when Wisconsin families are already struggling to afford health care coverage.
- That the \$5 fee for providing records in electronic format could have a chilling effect on our stated goal of converting medical records and delivery from paper to electronic formats. This fee could provide a disincentive for medical records providers to forego converting paper records to electronic form.

We share your commitment, and that of President Obama, to assuring that health care providers adopt electronic medical record systems expeditiously and in a manner that allows Wisconsin to reap the benefits of these promising technologies. However, we have heard from numerous health care professionals and organizations who are extremely troubled by this proposal and the manner in which it was developed.

Wisconsin is home to the nation's leading developers of electronic medical record technology and some of the most innovative and "wired" health care providers in the country. We fear this provision, developed as a budget motion with no input from these Wisconsin leaders, could very well take us in the wrong direction with regard to our shared goal of transitioning to electronic medical records.

For these reasons, we respectfully request that you veto these provisions completely from the budget so that all stakeholders from the industries impacted by this issue, including hospitals, physicians, medical record professionals, patient advocates, insurers and attorneys have the opportunity to work together to find a well-crafted, equitable and long-term solution to this important issue.

Sincerely,



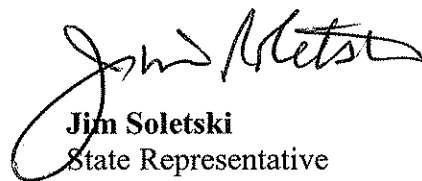
**Dave Hansen**  
State Senator



**Jennifer Shilling**  
State Representative



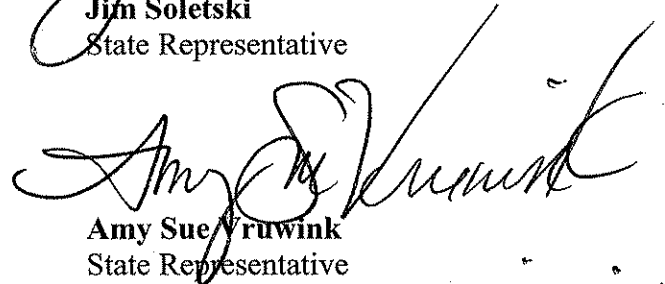
**Pat Kreitlow**  
State Senator



**Jim Soletski**  
State Representative



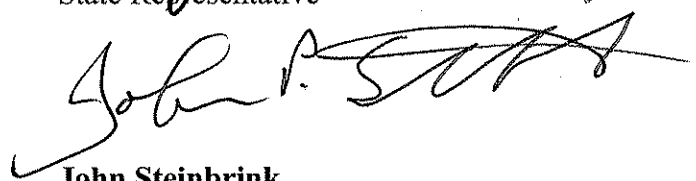
**Julie Lassa**  
State Senator



**Amy Sue Vruwink**  
State Representative



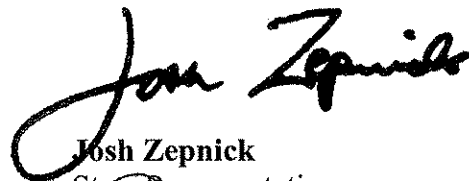
**Kathleen Vinehout**  
State Senator



**John Steinbrink**  
State Representative



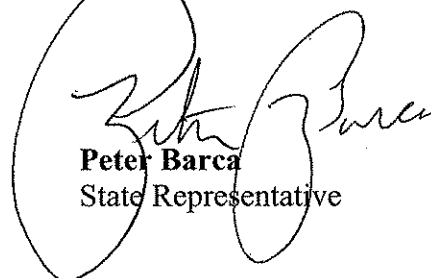
**Jim Holperin**  
State Senator



**Josh Zepnick**  
State Representative



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State Senator



**Peter Barca**  
State Representative

**Jeff Plale**  
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**Kim Hixson**  
State Representative

**Sondy Pope-Roberts**  
State Representative

**Terry Van Akkeren**  
State Representative

**Jeff Smith**  
State Representative

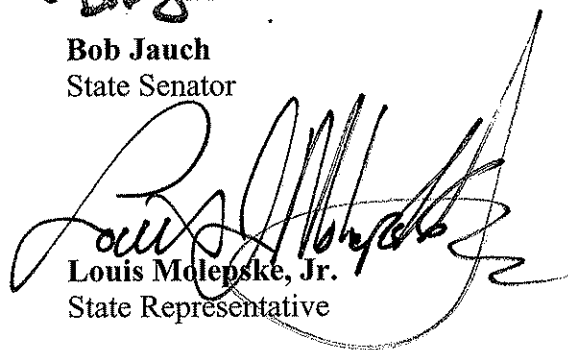
**Kristen Dexter**  
State Representative

**Terese Berceau**  
State Representative

**Ann Hraychuck**  
State Representative



**Bob Jauch**  
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**Louis Molepske, Jr.**  
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State Representative



**Penny Bernard-Schaber**  
State Representative