

---

**1999 Wis Eth Bd 08**  
**DISQUALIFICATION**

---

The Ethics Code does not limit a legislator's participation in the consideration of a bill to limit fees chargeable for copies of health care records where the bill does not affect the legislator's personal interests nor the interests of a current or future customer of the legislator's business except to the extent it would affect anyone who would want a copy of a patient's health care records.

Facts

¶1 This opinion is based upon these understandings:

- a. You are a member of the legislature
- b. A bill has been introduced that would limit the fees chargeable for copies of health care records.
- c. You sometimes request health care records on behalf of customers of your business.
- d. Although you may sometimes advance the costs for obtaining health care records, you are reimbursed by your customers for this expense.

Question

¶2 The Ethics Board understands your question to be:

Consistent with laws administered by the Ethics Board, may you participate in the consideration of the bill?

Discussion and Advice

¶3 Based upon the information you have provided us and the analysis below, we conclude that laws we administer do not limit your participation in the consideration of the bill. This is because the bill does not affect your personal interests nor does it affect the interests of a current or future customer of your business except to the extent it would affect anyone who would want a copy of a patient's health care records.

¶4 Generally a state government official should use his or her state government position neither to obtain a substantial benefit for the official [§19.45(2)] nor to affect a customer of the official's business[§19.46(1)], but that limitation is not present in a case like this one in which (a) the legislation affects a large class of people; (b) neither you nor your customers' presence in the class is significant when compared to the number of similarly situated people in the class; and (c) the effect of the proposed legislation on you and your customers are not significantly different than on other members

of the class. 9 Op. Eth. Bd. 45 (1987); 8 Op. Eth. Bd. 33 (1985) (a lawyer-official may participate in the promulgation of rules affecting lawyers, of which there are more than 15,000 licensed in Wisconsin); 5 Op. Eth. Bd. 89 (1982); 4 Op. Eth. Bd. 104 (1981). The Attorney General has taken a similar view. 36 Op. Att'y Gen. 45 (1947).

WR1065