

**2001 DRAFTING REQUEST**

**Bill**

Received: 11/01/2000

Received By: kahlepj

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: his office

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Insurance - health

Extra Copies:

---

**Pre Topic:**

No specific pre topic given

---

**Topic:**

Mandate insurance coverage of acupuncture

---

**Instructions:**

See Attached

---

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 11/01/2000			_____			S&L
/1		gilfokm 11/03/2000	kfollet 11/01/2000	_____	lrb_docadmin 11/06/2000	lrb_docadmin 01/17/2001	
			martykr 11/06/2000	_____			

FE Sent For:

<END>

**2001 DRAFTING REQUEST**

**Bill**

Received: **11/01/2000**

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **Marlin Schneider (608) 266-0215**

By/Representing: **his office**

This file may be shown to any legislator: **NO**

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Insurance - health**

Extra Copies:

**Pre Topic:**

No specific pre topic given

**Topic:**

Mandate insurance coverage of acupuncture

**Instructions:**

See Attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	kahlepj 11/01/2000			_____			S&L
/1		gilfokm 11/03/2000	kfollet 11/01/2000	_____	lrb_docadmin 11/06/2000		
			martykr 11/06/2000	_____			

FE Sent For:

<END>

2001 DRAFTING REQUEST

Bill

Received: 11/01/2000

Received By: kahlepj

Wanted: As time permits

Identical to LRB:

For: Marlin Schneider (608) 266-0215

By/Representing: his office

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Alt. Drafters:

Subject: Insurance - health

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Mandate insurance coverage of acupuncture

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1?	kahlepj	1-11/3 King	km 11/3	JT km 11/6			

FE Sent For:

<END>

Redraft 99-0318/1

99 AB4



State of Wisconsin  
1999 - 2000 LEGISLATURE

0875/1  
LRB-0310/1  
PJK:gdj  
Z King

SOON

1999 ASSEMBLY BILL 4

→ Check auto refs.

January 14, 1999 - Introduced by Representatives SCHNEIDER, ZIEGELBAUER, BOYLE and BERCEAU. Referred to Committee on Health.

regenerate

1 AN ACT to amend 40.51 (8), 185.981 (4t), 185.983 (1) (intro.) and 632.87 (1); and  
2 to create 111.91 (2) (r), 609.71 and 632.87 (6) of the statutes; relating to:  
3 requiring insurers to cover treatment of a condition by an acupuncturist if there  
4 is coverage for treatment of the condition by a physician and prohibiting  
5 collective bargaining by the state with respect to the requirement.

Analysis by the Legislative Reference Bureau

This bill requires insurers, including health maintenance organizations, preferred provider plans, limited service health organizations and plans provided by the state, to cover the diagnosis and treatment of a condition by an acupuncturist, within the scope of the acupuncturist's certificate, if diagnosis and treatment of the condition by a physician is covered. Referral to an acupuncturist from a physician is not required for coverage of the acupuncture services.

Current law contains the same coverage requirement for the diagnosis and treatment of a condition or complaint by certain other types of health care providers, including chiropractors, dentists, and optometrists, if there is coverage for the diagnosis and treatment of the condition or complaint by a physician.

The bill also provides that the coverage requirement for acupuncture services under plans provided by the state is not subject to collective bargaining by the state.

**ASSEMBLY BILL 4**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 40.51 (8) of the statutes is amended to read:

2 ~~40.51 (8) Every health care coverage plan offered by the state under sub. (6)~~  
3 ~~shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),~~  
4 ~~632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5) (6), 632.895 (5m) and (8)~~  
5 ~~to (13) (14) and 632.896.~~

6 SECTION 2. 111.91 (2) <sup>gm</sup> of the statutes is created to read:

7 111.91 (2) <sup>gm</sup> The provision to employes of the health insurance coverage  
8 required under s. ~~632.87~~ (6).

9 SECTION 3. 185.981 (4t) of the statutes is amended to read:

10 185.981 (4t) A sickness care plan operated by a cooperative association is  
11 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,  
12 632.87 (2m), (3), (4) and (5) to (6), 632.895 (10) to (13) and 632.897 (10) and chs. 149  
13 and 155.

14 SECTION 4. 185.983 (1) (intro.) of the statutes is amended to read:

15 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
16 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
17 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
18 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87  
19 (2m), (3), (4) and (5) to (6), 632.895 (5) and (9) to (13), 632.896 and 632.897 (10) and  
20 chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

21 SECTION 5. 609.71 of the statutes is created to read:

Insert 2-20 ✓

## ASSEMBLY BILL 4

1           **609.71 Acupuncture coverage.** Limited service health organizations,  
2 preferred provider plans and managed care plans are subject to s. 632.87 (6).

3           **SECTION 6.** 632.87 (1) of the statutes is amended to read:

4           632.87 (1) No insurer may refuse to provide or pay for benefits for health care  
5 services provided by a ~~licensed~~ health care professional who holds a credential, as  
6 defined in s. 440.01 (2) (a), on the ground that the services were not rendered by a  
7 physician, as defined in s. 990.01 (28), unless the contract clearly excludes services  
8 by such practitioners, but no contract or plan may exclude services in violation of sub.  
9 (2), (2m), (3), (4) or (5) or (6).

10           **SECTION 7.** 632.87 (6) of the statutes is created to read:

11           632.87 (6) (a) No policy, plan or contract may exclude coverage for diagnosis ~~and~~  
12 treatment of a condition or complaint by an acupuncturist who is certified under ch.  
13 451, within the scope of the acupuncturist's certificate, if the policy, plan or contract  
14 covers diagnosis and treatment of the condition or complaint by a licensed physician  
15 or osteopath, even if different nomenclature is used to describe the condition or  
16 complaint. This paragraph does not:

17           1. Prohibit the application of deductibles or coinsurance provisions to  
18 acupuncturist and physician charges on an equal basis.

19           2. Prohibit the application of cost containment or quality assurance measures  
20 to acupuncturist and physician services in a like manner, consistent with this  
21 section.

22           (b) No insurer may require an examination by or a referral from a physician  
23 as a condition precedent for the receipt of an acupuncturist's services under par. (a).

24           **SECTION 8. Initial applicability.**

25           (1) This act first applies to all of the following.

ASSEMBLY BILL 4

*a.r.* *alter*

1 (a) Except as provided in paragraph (b), policies, plans and contracts that are  
2 issued or renewed on the effective date of this paragraph.

3 *contracts* (b) Policies, plans and contracts covering employees who are affected by a  
4 collective bargaining agreement containing provisions inconsistent with this act  
5 that are issued or renewed on the earlier of the following:

- 6 1. The day on which the collective bargaining agreement expires.
- 7 2. The day on which the collective bargaining agreement is extended, modified  
8 or renewed.

9 SECTION 9. Effective date.

10 (1) This act takes effect on the first day of the 6th month beginning after  
11 publication.

12 (END)

Insert 2-20

187 4

Section #. 40.51(8) of the statutes is amended to read:

(6) ✓

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to ~~(5)~~, 632.895 (5m) and (8) to (14)<sub>2</sub> and 632.896.

NOTE: Sub. (8) is shown as affected by three acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).  
History: 1981 c. 96; 1983 a. 27; 1985 a. 29; ~~1987 a. 27, 107, 356, 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993 a. 450, 481; 1995 a. 289; 1997 a. 27, 155, 202, 237, 252; 1999 a. 32, 95, 115, 155; s. 13.93 (2) (c).~~



Ens. 2-20 ✓ cont'd. 2 of 4

SECTION # CR; 111.91 (2) (gm)

ⓑ

111.91 (2) (gm) The requirements

related to coverage of ~~the~~ acupuncturists' ✓

services under s. 632.87(6). ✓



Inset 2-20 cont'd

3074

Section #. 185.981 (4t) of the statutes is amended to read:

to (6)

185.981 (4t) A sickness care plan operated by a cooperative association is subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855, 632.87 (2m), ~~(3), (4) and (5)~~, 632.895 (10) to (14) and 632.897 (10) and chs. 149 and 155.

NOTE: Sub. (4t) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s.

13.93 (2) (c).

~~History: 1971 c. 40 s. 93; 1971 c. 307 s. 118; 1975 c. 98; 1975 c. 223 s. 28; 1975 c. 224 s. 146; 1975 c. 421; 1981 c. 39 s. 22; 1981 c. 205; 1981 c. 391 s. 210; 1985 a. 29; 1985 a. 30 s. 42; 1987 a. 27 ss. 1917e, 3202 (47) (a); 1987 a. 312 s. 17; 1989 a. 121, 129, 200, 201, 336; 1991 a. 39, 123, 269; 1993 a. 27, 450, 481; 1995 a. 27, 118, 289; 1997 a. 27, 155, 237; 1999 a. 95, 115; s. 13.93 (2) (c).~~



Ins 2-20 contd

484

Section #. 185.983 (1) (intro.) of the statutes is amended to read:

185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93, 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.895 (5) and (9) to (14), 632.896<sup>v</sup> and 632.897 (10)<sup>v</sup> and chs. 609, 630, 635, 645<sup>v</sup> and 646, but the sponsoring association shall:

st  
(5)

NOTE: Sub. (1)(intro.) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c).

History: 1975 c. 98; 1975 c. 224 s. 146; 1975 c. 352; 1975 c. 422 s. 163; 1977 c. 339; 1979 c. 89; 1981 c. 20; 1981 c. 39 s. 22; 1981 c. 82; 1981 c. 391 s. 210; 1983 a. 189 s. 329 (25); 1983 a. 396; 1985 a. 29 ss. 2060d to 2060r, 3202 (30); 1987 a. 27, 325; 1989 a. 23, 31, 129, 200, 201, 336, 359; 1991 a. 39, 189, 250, 269, 315; 1993 a. 450, 481, 482; 1995 a. 289; 1997 a. 27, 155, 237; 1999 a. 95, 115; s. 13.93 (2) (c).

(end of ins. 2-20)



# State of Wisconsin

## LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET  
5TH FLOOR  
MADISON, WI 53701-2037

STEPHEN R. MILLER  
CHIEF

LEGAL SECTION: (608) 266-3561  
LEGAL FAX: (608) 264-6948

November 6, 2000

### MEMORANDUM

To: Representative Schneider

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-0875 Mandate insurance coverage of acupuncture

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY  JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.