

2005 DRAFTING REQUEST

Bill

Received: 10/05/2004

Received By: pkahler

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Bill Graf

This file may be shown to any legislator: NO

Drafter: pkahler

May Contact:

Addl. Drafters:

Subject: Insurance - health

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Insurance coverage of smoking cessation treatment

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>
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/1			rschluet 11/01/2004	_____	Inorthro 11/01/2004	Inorthro 11/08/2004	

LRB-0434

11/08/2004 11:35:35 AM

Page 2

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

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/?	pkahler	1 lmk 10/27 1 jld 11/1					
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FE Sent For:

10-5-04

Rice Graf for Rep. Spencer Blade

redraft 2003 AB 708
(03-0875/1)

(ins cov of
smoking cessation
treatment)

Notice on Smoking Cessation Guideline Products

The 1996 guideline, *Smoking Cessation, Clinical Practice Guideline, No. 18*, sponsored by the Agency for Health Care Policy and Research, has been superseded by a new, updated Tobacco Cessation Guideline released by the Public Health Service on June 27, 2000.

The information and treatment recommendations provided in the earlier Smoking Cessation Guideline products listed below are **out of date**. These products have been removed from the Health Services/Technology Assessment Text (HSTAT), an electronic system maintained by the National Library of Medicine.

Smoking Cessation

Clinical Practice Guideline, No. 18. AHCPR Publication No. 96-0692, April 1996.

Helping Smokers Quit

A Guide for Primary Care Clinicians. AHCPR Publication No. 96-0693, April 1996.

Smoking Cessation: Information for Specialists

Quick Reference Guide for Smoking Cessation Specialists, No. 18. AHCPR Publication No. 96-0694, April 1996.

You Can Quit Smoking (English)

Consumer Version, Clinical Practice Guideline, No. 18 AHCPR Publication No. 96-0695, Rev. March 1997.

Si quiere, puede dejar de fumar (Spanish)

Consumer Version, Clinical Practice Guideline, No. 18 AHCPR Publication No. 96-0696, July 1996.

Smoking Cessation: A Systems Approach

A Guide for Health Care Administrators, Insurers, Managed Care Organizations, and Purchasers. AHCPR Publication No. 97-0698, April 1997.

Current as of June 2000

[Go to AHCPR Supported Guidelines on HSTAT](#)

[Return to Clinical Practice Guidelines Online](#)

[Clinical Information](#)

[AHRQ Home Page](#)



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-0875/1

PJK:kj:pg

0434/1

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LPS-PWF
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LPS-check
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2003 ASSEMBLY BILL 708

D-note

December 19, 2003 - Introduced by Representatives BLACK, BOYLE, POCAN, BERCEAU and WASSERMAN, cosponsored by Senators RISSER and CHVALA. Referred to Committee on Insurance.

regenerate

1 AN ACT to amend 40.51 (8), 40.51 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g),
2 185.981 (4t) and 185.983 (1) (intro.); and to create 609.87 and 632.895 (15) of
3 the statutes; relating to: health insurance coverage of smoking cessation
4 treatment and medications.

Analysis by the Legislative Reference Bureau

and Quality

This bill requires a health care plan to provide coverage of smoking cessation treatment that is provided in conformity with recommendations set forth in a publication of the federal Agency for Health Care Policy and Research, as well as coverage of certain specified smoking cessation medications. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and plans offered by cooperative sickness care associations; to health care plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement does not apply to health care plans that are offered by limited service health organizations or to health care plans that cover only specified diseases. The requirement may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

ASSEMBLY BILL 708

✓ 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 ~~X~~
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), 631.95, 632.72 (2), 632.746 (1) to (8)
4 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
5 (5), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

6 ~~X~~
SECTION 2. 40.51 (8m) of the statutes is amended to read:

7 40.51 (8m) Every health care coverage plan offered by the group insurance
8 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
9 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

10 ~~X~~
SECTION 3. 66.0137 (4) of the statutes is amended to read:

11 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
12 a village provides health care benefits under its home rule power, or if a town
13 provides health care benefits, to its officers and employees on a self-insured basis,
14 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
15 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
16 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

17 ~~X~~
SECTION 4. 111.91 (2) (n) of the statutes is amended to read:

18 111.91 (2) (n) The provision to employees of the health insurance coverage
19 required under s. 632.895 (11) to ~~(14)~~ (15).

20 ~~X~~
SECTION 5. 120.13 (2) (g) of the statutes is amended to read:

ASSEMBLY BILL 708

1 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
2 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
3 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15), 632.896, and
4 767.25 (4m) (d).

5 **SECTION 6.** 185.981 (4t) of the statutes is amended to read:

6 185.981 (4t) A sickness care plan operated by a cooperative association is
7 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
8 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897
9 (10) and chs. 149 and 155.

10 **SECTION 7.** 185.983 (1) (intro.) of the statutes is amended to read:

11 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
12 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
13 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
14 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
15 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
16 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
17 shall:

18 **SECTION 8.** 609.87 of the statutes is created to read:

19 **609.87 Coverage of smoking cessation treatment.** Defined network plans
20 are subject to s. 632.895 (15).

21 **SECTION 9.** 632.895 (15) of the statutes is created to read:

22 632.895 (15) **SMOKING CESSATION TREATMENT AND MEDICATION.** (a) In this
23 subsection, "self-insured health plan" means a self-insured health plan of the state
24 or a county, city, village, town, or school district.

Insert 3-17

ASSEMBLY BILL 708

SECTION 9

1 (b) 1. Subject to subd. 2. and except as provided in par. (e), every disability
 2 insurance policy and every self-insured health plan shall provide coverage of
 3 smoking cessation treatment that is provided in conformity with the
 4 recommendations set forth in ~~Clinical Practice Guideline Number 18, Smoking~~ ^{Tobacco}
 5 Cessation, ^{Guideline} ~~publication number 96-0692, published~~ ^{released on June 27, 2000,} by the federal department of
 6 health and human services, agency for ~~health care policy and research~~ ^{healthcare} and ^{and quality} research.

7 2. A disability insurance policy or self-insured health plan is not required to
 8 cover smoking cessation treatment more than 3 times for any insured ^{individual}.

9 (c) Except as provided in par. (e), every disability insurance policy and every
 10 self-insured health plan shall provide coverage of all of the following medications if
 11 approved for use by the federal food and drug administration and if prescribed for
 12 smoking cessation:

- 13 1. Nicotine gum.
- 14 2. Nicotine patch.
- 15 3. Nicotine nasal spray.
- 16 4. Nicotine inhaler.
- 17 5. Zyban or its generic equivalent.

18 (d) The coverage required under pars. (b) and (c) may be subject to any
 19 limitations, exclusions, or cost-sharing provisions that apply generally under the
 20 disability insurance policy or self-insured health plan.

21 (e) This subsection does not apply to any of the following:

- 22 1. A limited service health organization, as defined in s. 609.01 (3).
- 23 2. A preferred provider plan, as defined in s. 609.01 (4), that is not a defined
 24 network plan, as defined in s. 609.01 (1b).
- 25 3. A disability insurance policy that covers only certain specified diseases.

**2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0434/?ins
PJK

INSERT 3-17

1 **SECTION 1.** 185.981 (4t) of the statutes is amended to read:

2 185.981 (4t) A sickness care plan operated by a cooperative association is
3 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
4 632.853, 632.855, 632.87 (2m), (3), (4),[✓] and (5), 632.895 (10) to ~~(14)~~ [✓](15)[✓], and 632.897
5 (10) and chs. 149 and 155.

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; 2003 a. 321.

6 **SECTION 2.** 185.983 (1) (intro.) of the statutes is amended to read:

7 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
8 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
9 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
10 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
11 632.855, 632.87 (2m), (3), (4),[✓] and (5), 632.895 (5) and (9) to ~~(14)~~ [✓](15)[✓], 632.896, and
12 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
13 shall:

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; 2003 a. 321.

(END OF INSERT 3-17)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-04347dn
PJK:.....

mk
+
jld

(date)

It would be a good idea to check on the the AHCPR publication cited in this draft to see if there is a later version. I checked the web and found nothing later, but you might want to call the federal agency to be sure.

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

insert a. →

PJK /Imk/
+
jld

insert a.

D-note

(date)

~~The~~ Clinical Practice Guideline Number 18

has been superseded by an updated
publication called "Tobacco Cessation
Guideline."

PJK

end insert a.

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0434/1dn
PJK:lmk&jld:rs

November 1, 2004

Clinical Practice Guideline Number 18 has been superseded by an updated publication called "Tobacco Cessation Guideline."

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.state.wi.us

Northrop, Lori

From: Zimmerman, Terri
Sent: Friday, November 05, 2004 4:30 PM
To: LRB.Legal
Subject: Draft review: LRB 05-0434/1 Topic: Insurance coverage of smoking cessation treatment

It has been requested by <Zimmerman, Terri> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-0434/1 Topic: Insurance coverage of smoking cessation treatment