

**2009 DRAFTING REQUEST**

**Bill**

Received: **02/11/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Robert Wirch (608) 267-8979**

By/Representing: **Jennifer Bishop**

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: **Sen.Wirch@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Required insurance coverage of colorectal cancer screening

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**Instructions:**

See attached

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**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>
/?	pkahler 03/20/2009	jdyer 03/23/2009		_____			S&L
/1			jfrantze 03/23/2009	_____	mbarman 03/23/2009	cduerst 03/23/2009	

FE Sent For: **'/1' @ intro, 4/8/09**

<END>

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/?	pkahler	1/3/09 jld	3/23	3/23			

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Bishop, Jennifer  
**Sent:** Friday, February 06, 2009 3:37 PM  
**To:** Kahler, Pam  
**Subject:** Colectoral Screenings

Hi Pam – I know that Andy from Rep. Colon’s office just spoke with you. If, when you get around to the Assembly draft, you could draft the same bill for the Senate in regards to insurance covering colectoral screenings I would greatly appreciate it.

Thanks so much!!!

Sincerely,

Jennifer  
Office of Sen. Wirch

A handwritten arrow originates from the word "Thanks" in the previous block and points towards the number "1656".

**THE STATE OF XX  
HOUSE BILL XXX**

**SYNOPSIS:** An Act relating to insurance coverage for colorectal cancer early detection.

**TEXT:** Be it enacted by the General Assembly of the state of XX, as follows:

[SECTION 1. All individual and group health insurance policies providing coverage on an expense incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed on or after [DATE], and providing coverage to any resident of this state shall provide benefits or coverage for:

Colorectal cancer examinations and laboratory tests for cancer for any nonsymptomatic covered individual, in accordance with the most recently published American Cancer Society guidelines for colorectal cancer screening:

(A) For a covered individual who is:

(1) At least fifty (50) years of age; or

(2) Less than fifty (50) years of age and at high risk for colorectal cancer according to the most recently published colorectal cancer screening guidelines of the American Cancer Society;

The coverage required under this section must meet the requirements set forth in subsection (B).

(B) To encourage colorectal cancer screenings, patients and health care providers must not be required to meet burdensome criteria or overcome obstacles to secure such coverage. An individual may not be required to pay an additional deductible or coinsurance for testing that is greater than an annual deductible or coinsurance established for similar benefits. If the program or contract does not cover a similar benefit, a deductible or coinsurance may not be set at a level that materially diminishes the value of the colorectal cancer benefit required.

(C) After the enactment of this law, the Secretary of Health and Human Services of the State may require coverage of additional medically recognized screening tests for colorectal cancer or expand the definition of a high risk individual, if it is so determined by medical science.

## Kahler, Pam

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**From:** Bishop, Jennifer  
**Sent:** Wednesday, February 25, 2009 10:09 AM  
**To:** Kahler, Pam  
**Subject:** RE: Companion bill

I can wait until he signs off on it to ensure we have the exact same bill.

Thanks Pam!

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**From:** Kahler, Pam  
**Sent:** Wednesday, February 25, 2009 9:56 AM  
**To:** Bishop, Jennifer  
**Subject:** Companion bill

Jennifer,

Would you like your companion bill to Rep. Colon's colorectal cancer screening bill drafted when he signs off on it or as soon as possible? Waiting until he signs off ensures that you really do get the exact same bill without redrafting.

Pam

*Pamela J. Kahler*  
*Legislative Attorney*  
*Legislative Reference Bureau*  
608-266-2682



State of Wisconsin  
2009 - 2010 LEGISLATURE

FROM → 2083/1e  
LRB-(656/1)  
PJK:jld:ph  
↑  
stays

2009 BILL

(in 3-20)

X Regen

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 (16) of  
3 the statutes; **relating to:** requiring health insurance coverage of colorectal  
4 cancer screening and granting rule-making authority.

***Analysis by the Legislative Reference Bureau***

This bill requires health insurance policies and plans that cover any diagnostic or surgical procedures to cover colorectal cancer examinations and laboratory tests for any insured or enrollee who is 50 years of age or older or any insured or enrollee who is under 50 years of age and at high risk for colorectal cancer. The bill requires the commissioner of insurance, in consultation with the secretary of health services, to promulgate rules that specify guidelines for the colorectal cancer screening that must be covered, and that specify factors for determining whether an individual is at high risk for colorectal cancer, in accordance with the guidelines of the American Cancer Society for colorectal cancer screening.

The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and 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 specifically does not apply to limited-scope benefit plans or to policies covering only certain specified diseases other than cancer. The required coverage may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

**BILL**

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

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*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), 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)~~ (6), 632.895 (5m) and (8) to ~~(15)~~ (16), and 632.896.

6           **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 ~~(15)~~ (16).

10          **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  
16 ~~(5), and (6)~~, 632.895 (9) to ~~(15)~~ (16), 632.896, and ~~767.25 (4m) (d)~~ 767.513 (4).

17          **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) and (16).

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

**BILL**

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), and (6)~~, 632.895 (9) to ~~(15) (16)~~, 632.896,  
4           and ~~767.25 (4m) (d)~~ 767.513 (4).

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), and (6)~~, 632.895 (10) to ~~(15) (16)~~, and  
9           632.897 (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), and (6)~~, 632.895 (5) and (9) to ~~(15) (16)~~, 632.896,  
16          and 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 colorectal cancer screening.** Defined network plans  
20          are subject to s. 632.895 (16).

21          **SECTION 9.** 632.895 (16) of the statutes is created to read:

22          632.895 (16) **COLORECTAL CANCER SCREENING.** (a) Except as provided in par. (c),  
23          every disability insurance policy, and every self-insured health plan of the state or  
24          a county, city, village, town, or school district, that provides coverage of any  
25          diagnostic or surgical procedures shall provide coverage of colorectal cancer

**BILL**

1 examinations and laboratory tests, in accordance with guidelines specified by the  
2 commissioner by rule under par. (d) 1. and 3., for all of the following:

3 1. An insured or enrollee who is 50 years of age or older.

4 2. An insured or enrollee who is under 50 years of age and at high risk for  
5 colorectal cancer, as specified by the commissioner by rule under par. (d) 2. and 3.

6 (b) The coverage required under this subsection may be subject to any  
7 limitations, exclusions, or cost-sharing provisions that apply generally under the  
8 disability insurance policy or self-insured health plan.

9 (c) This subsection does not apply to any of the following:

10 1. A disability insurance policy that covers only certain specified diseases other  
11 than cancer.

12 2. A health care plan offered by a limited service health organization, as defined  
13 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not  
14 a defined network plan, as defined in s. 609.01 (1b).

15 3. A disability insurance policy, or a self-insured health plan of the state or a  
16 county, city, town, village, or school district, that provides only limited-scope dental  
17 or vision benefits.

18 (d) The commissioner, in consultation with the secretary of health services,  
19 shall promulgate rules that do all of the following:

20 1. Specify guidelines for the colorectal cancer screening that must be covered  
21 under this subsection, in accordance with the guidelines of the American Cancer  
22 Society for colorectal cancer screening.

23 2. Specify the factors for determining whether an individual is at high risk for  
24 colorectal cancer, in accordance with the guidelines of the American Cancer Society  
25 for colorectal cancer screening.



**Duerst, Christina**

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**From:** Bishop, Jennifer  
**Sent:** Monday, March 23, 2009 3:02 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 09-2083/1 Topic: Required insurance coverage of colorectal cancer screening

Please Jacket LRB 09-2083/1 for the SENATE.