

2011 DRAFTING REQUEST

Bill

Received: **03/01/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB: **-1558**

For: **Patricia Strachota (608) 264-8486**

By/Representing: **Sara Buschman**

May Contact: **Sen. Darling's office**

Drafter: **tdodge**

Subject: **Insurance - health**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Strachota@legis.wisconsin.gov**

Carbon copy (CC:) to: **tamara.dodge@legis.wisconsin.gov**
pamela.kahler@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Copayments, deductibles, or coninsurance for oral chemotherapy and injected or intravenous chemotherapy

Instructions:

See attached. Redraft of LRBs0473/1

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>
/?	tdodge 03/11/2011	jdye 03/28/2011		_____			S&L
/1			jfrantze 03/28/2011	_____	lparisi 03/28/2011	ggodwin 05/06/2011	

FE Sent For:

<END>

*at
intro
5-25-11*

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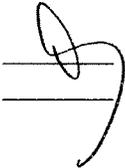
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/?	tdodge	1/28/11 jld	3/28/11				

FE Sent For:

<END>

Dodge, Tamara

From: Buschman, Sara
Sent: Tuesday, March 01, 2011 11:32 AM
To: Dodge, Tamara
Subject: RE: bill draft request from Rep. Strachota
Attachments: 09s04731.pdf

Attached is the LRB draft.

Sara

From: Dodge, Tamara
Sent: Thursday, February 24, 2011 10:22 AM
To: Buschman, Sara
Subject: RE: bill draft request from Rep. Strachota

Sara,

I would appreciate if you could send a copy of the draft so there aren't any issues.

Thanks,
Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Buschman, Sara
Sent: Wednesday, February 23, 2011 5:28 PM
To: Dodge, Tamara
Cc: Schulze, Connie
Subject: bill draft request from Rep. Strachota

Tamara,

Rep. Strachota would like 2010 LRBs0473/1 drafted as a bill for the 2011-13 session (regarding oral chemotherapy).

Connie Schulze will be submitting the request for the Senate companion and I have cc'd her on this email. You have permission to speak to her, or anyone else in Senator Darling's office regarding this drafting request.

I was given a copy of LRBs0473/1 but do not know if it was ever officially introduced by Rep. Barca. If not, I can send you a copy of the draft so you do not have to be worried about privacy issues with a previous drafting request by another member.

Please let me know if you have any questions.

3/1/2011

Sara

Sara Buschman
Legislative Aide to
State Representative Pat Strachota
58th Assembly District
Toll-Free: 1-888-534-0058
Email: sara.buschman@legis.wi.gov



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBs0473/1
TJD:wlj:md

ASSEMBLY SUBSTITUTE AMENDMENT ,
TO 2009 ASSEMBLY BILL 974

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983
2 (1) (intro.); and *to create* 609.837 and 632.867 of the statutes; **relating to:**
3 copayments, deductibles, or coinsurance for oral chemotherapy and injected or
4 intravenous chemotherapy.

Analysis by the Legislative Reference Bureau

This substitute amendment prohibits health insurance policies, and self-insured governmental and school district health plans, that cover injected or intravenous and oral chemotherapy from requiring the insured to pay a higher copayment, deductible, or coinsurance for oral chemotherapy than is required for injected or intravenous chemotherapy, regardless of the formulation or benefit category determination by the policy or plan. A health insurance policy or self-insured governmental or school district health plan may not comply with that prohibition by increasing the copayment, deductible, or coinsurance for intravenous or injected chemotherapy that is covered under the policy or plan.

The requirements of the substitute amendment apply to individual and group health insurance policies, including limited service health organizations, preferred provider plans, defined network plans, and cooperative associations' health care plans; to health care plans, including a self-insured plan, offered by the state to its

employees; and to self-insured health plans of a city, town, village, county, or school district.

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, as affected by 2009 Wisconsin Acts 14, 28,
2 146, 218 and 346, is amended to read:

3 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
4 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
5 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
6 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

7 **SECTION 2.** 40.51 (8m) of the statutes, as affected by 2009 Wisconsin Acts 14,
8 28, 146, 218 and 346, is amended to read:

9 40.51 **(8m)** Every health care coverage plan offered by the group insurance
10 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
11 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.885,
12 632.89, and 632.895 (11) to (17).

13 **SECTION 3.** 66.0137 (4) of the statutes, as affected by 2009 Wisconsin Acts 14,
14 28, 146, 180, 218 and 346, is amended to read:

15 66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
16 a village provides health care benefits under its home rule power, or if a town
17 provides health care benefits, to its officers and employees on a self-insured basis,
18 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
19 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,
20 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

1 **SECTION 4.** 120.13 (2) (g) of the statutes, as affected by 2009 Wisconsin Acts 14,
2 28, 146, 218 and 346, is amended to read:

3 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
4 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
5 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4), (5), and (6), 632.885, 632.89,
6 632.895 (9) to (17), 632.896, and 767.513 (4).

7 **SECTION 5.** 185.983 (1) (intro.) of the statutes, as affected by 2009 Wisconsin
8 Acts 14, 28, 146, 165, 218 and 346, is amended to read:

9 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
10 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
11 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
12 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
13 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
14 632.853, 632.855, 632.867, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89,
15 632.895 (5) and (9) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
16 and 646, but the sponsoring association shall:

17 **SECTION 6.** 609.837 of the statutes is created to read:

18 **609.837 Copayment equality for oral and injected chemotherapy.**
19 Limited service health organizations, preferred provider plans, and defined network
20 plans are subject to s. 632.867.

21 **SECTION 7.** 632.867 of the statutes is created to read:

22 **632.867 Oral and injected chemotherapy. (1) DEFINITIONS.** In this section:
23 (a) “Chemotherapy” means drugs and biologics that kill cancer cells directly,
24 including antineoplastics, biologic response modifiers, hormone therapy, and
25 monoclonal antibodies, and that are used to do any of the following:

1 1. Cure a specific cancer.

2 2. Control tumor growth when cure is not possible.

3 3. Shrink tumors before surgery or radiation therapy.

4 4. Destroy microscopic cancer cells that may be present after a tumor is
5 removed by surgery to prevent a cancer recurrence.

6 (b) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

7 (c) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

8 **(2) COPAYMENT, DEDUCTIBLE, OR COINSURANCE REQUIREMENTS; LIMITATIONS.** (a) A
9 disability insurance policy that covers injected or intravenous chemotherapy and
10 oral chemotherapy, or a self-insured health plan that covers injected or intravenous
11 chemotherapy and oral chemotherapy, may not require a higher copayment,
12 deductible, or coinsurance amount for oral chemotherapy than it requires for
13 injected or intravenous chemotherapy, regardless of the formulation or benefit
14 category determination by the policy or plan.

15 (b) A disability insurance policy or a self-insured health plan may not comply
16 with par. (a) by increasing the copayment, deductible, or coinsurance amount
17 required for injected or intravenous chemotherapy that is covered under the policy
18 or plan.

19 **SECTION 8. Initial applicability.**

20 (1) This act first applies to all of the following:

21 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
22 that are issued or renewed, and governmental or school district self-insured health
23 plans that are established, extended, modified, or renewed, on the effective date of
24 this paragraph.



State of Wisconsin
2009 - 2010 LEGISLATURE

due

-1557/1

LRS0473/1
TJD:wjmd

In. 3/11/11 WED

RMNR

2011 Bill

**ASSEMBLY SUBSTITUTE AMENDMENT,
TO 2009 ASSEMBLY BILL 974**

LPS-PWFok

LPS-check
auto refs

X

Regen

- 1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983
- 2 (1) (intro.); and *to create* 609.837 and 632.867 of the statutes; **relating to:**
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bill

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The requirements of the substitute amendment apply to individual and group health insurance policies, including limited service health organizations, preferred provider plans, defined network plans, and cooperative associations' health care plans; to health care plans, including a self-insured plan, offered by the state to its

bill

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Handwritten: FE-SU For further information see the state and local fiscal estimates which will be provided as an appendix to this bill

employees; and to self-insured health plans of a city, town, village, county, or school district.

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7 SECTION 2. 40.51 (8m) of the statutes, as affected by 2009 Wisconsin Acts 14,
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24 including antineoplastics, biologic response modifiers, hormone therapy, and
25 monoclonal antibodies, and that are used to do any of the following:

- 1 1. Cure a specific cancer. ✓
- 2 2. Control tumor growth when cure is not possible. ✓
- 3 3. Shrink tumors before surgery or radiation therapy. ✓
- 4 4. Destroy microscopic cancer cells that may be present after a tumor is
- 5 removed by surgery to prevent a cancer recurrence.

6 (b) "Disability insurance policy" ✓ has the meaning given in s. 632.895 (1) (a). ✓

7 (c) "Self-insured health plan" ✓ has the meaning given in s. 632.85 (1) (c). ✓

8 **(2) COPAYMENT, DEDUCTIBLE, OR COINSURANCE REQUIREMENTS; LIMITATIONS.** ✓ (a) A
9 disability insurance policy that covers injected or intravenous chemotherapy and
10 oral chemotherapy, ✓ or a self-insured ✓ health plan that covers injected or intravenous
11 chemotherapy and oral chemotherapy, may not require a higher copayment,
12 deductible, or coinsurance amount for oral chemotherapy than it requires for
13 injected or intravenous chemotherapy, regardless of the formulation or benefit
14 category determination by the policy or plan. ✓

15 (b) A disability insurance policy or a self-insured health plan ✓ may not comply
16 with par. (a) ✓ by increasing the copayment, deductible, or coinsurance amount
17 required for injected or intravenous chemotherapy that is covered under the policy
18 or plan.

19 **SECTION 8. Initial applicability.**

20 (1) This act first applies to all of the following:

21 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
22 that are issued or renewed, and governmental or school district self-insured health
23 plans that are established, extended, modified, or renewed, on the effective date of
24 this paragraph. ✓

1 (b) Disability insurance policies covering employees who are affected by a
2 collective bargaining agreement containing provisions inconsistent with this act
3 that are issued or renewed on the earlier of the following:✓

4 1. The day on which the collective bargaining agreement expires.✓

5 2. The day on which the collective bargaining agreement is extended, modified,
6 or renewed.✓

7 (c) Governmental or school district self-insured health plans covering
8 employees who are affected by a collective bargaining agreement containing
9 provisions inconsistent with this act that are established, extended, modified, or
10 renewed on the earlier of the following:

11 1. The day on which the collective bargaining agreement expires.✓

12 2. The day on which the collective bargaining agreement is extended, modified,
13 or renewed.✓

14 **SECTION 9. Effective dates.** This act takes effect on the day after publication,
15 except as follows:

16 (1) The treatment of section 632.867 (2) (a)✓ of the statutes takes effect on the
17 first day of the✓7th month beginning after publication.✓

18 (END)

Godwin, Gigi

From: Buschman, Sara

Sent: Friday, May 06, 2011 11:12 AM

To: LRB.Legal

Subject: Draft Review: LRB 11-1557/1 Topic: Copayments, deductibles, or coninsurance for oral chemotherapy and injected or intravenous chemotherapy

Would like this yet today, please.

Please Jacket LRB 11-1557/1 for the ASSEMBLY.