

**2011 DRAFTING REQUEST**

**Bill**

Received: **11/09/2011**

Received By: **tdodge**

Wanted: **As time permits**

Companion to LRB:

For: **David Craig (608) 266-3363**

By/Representing: **Amy Lewis**

May Contact:

Drafter: **tdodge**

Subject: **Insurance - health**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

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

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

**Pre Topic:**

No specific pre topic given

**Topic:**

Require agencies to report on costs of implementing PPACA; require OCI to report on impact of PPACA to private insurance rates

**Instructions:**

Require agencies to report to legislature on costs of implementing PPACA annually with first report by Sept. 1, 2012. Require OCI to report to legislature on impact of PPACA on insurance rates in the private sector

**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>
/?							
/P1	tdodge 11/14/2011	jdye 11/15/2011	jfrantze 11/15/2011	_____	sbasford 11/15/2011		
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/2	tdodge 01/11/2012	jdyer 01/12/2012	jfrantze 01/12/2012	_____	mbarman 01/12/2012	lparisi 01/18/2012	

FE Sent For:

*At intro  
2/7/2012*

<END>

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<END>

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1?	tdodge	PI 11/15 jld	[Signature] 11/15	ph 11/15			

FE Sent For:

<END>

## Dodge, Tamara

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**From:** Lewis, Amy  
**Sent:** Thursday, November 10, 2011 9:58 AM  
**To:** Dodge, Tamara  
**Subject:** RE: PPACA reporting draft

Tami:

Yes, I'm sorry I didn't make that clear—we'd like the agencies (and OCI) to report annually. Rep. Craig didn't have a timeline in mind for the report but if September 1, 2012 seems like a good date, let's go with that.

As far as guidance as to what to include in the reports, let's leave that open ended for now. We're doing some research on that and will get back to you if we want to put in specifics.

Thanks!

Amy Lewis  
Office of Rep. David Craig  
83rd Assembly District  
amy.lewis@legis.wisconsin.gov  
608-266-3363

---

**From:** Dodge, Tamara  
**Sent:** Thursday, November 10, 2011 9:17 AM  
**To:** Lewis, Amy  
**Subject:** PPACA reporting draft

Amy,

I was thinking about our discussion on the PPACA reporting draft. I had some more questions. First, how often do you want the agencies to report? Annually? The same question would apply to OCI's reporting on private insurers, which I assume might also be annually. Similarly, do you have a deadline in mind for the first report. For example, you could require the report by September 1, 2012 and annually thereafter.

Next, I was wondering if you wanted to include some guidance as to what information is included in the agency reports. I envision that each agency might interpret what is included in the costs of implementing PPACA differently. If you are okay with that, then you can just leave it as an open ended requirement. If you want OCI, or another department, to provide guidance, I would recommend either allowing OCI to promulgate rules or allowing OCI to set guidelines for these cost reports. With the added procedures in administrative rulemaking, some agencies believe it could take years to promulgate rules and I don't think you want your reports held up by that.

I think it is necessary to decide how often the agencies and OCI report. I think the draft can remain silent on the other issues if you would prefer not to address it. Let me know what you think.

I will probably send out a preliminary draft that you can take a look at first.

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



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3462  
TJD:.....

In 11/14/11

Due 11/16  
Thursday  
if possible

opi  
RMR jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

X  
1

Gen

AN ACT ...; relating to: reports on implementation of federal health reform. ✓

*Analysis by the Legislative Reference Bureau*

✓ This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

2 SECTION 1. 20.9265<sup>x</sup> of the statutes is created to read:

3 20.9265 Federal health reform cost reports. (1) ✓ DEFINITIONS. In this section: ✓

INSERT  
A (move  
to next  
page)

4 (a) <sup>b</sup> "Patient Protection and Affordable Care Act" ✓ means the federal Patient  
5 Protection and Affordable Care Act, P.L. 111-148, as amended by the federal Health  
6 Care and Education Reconciliation Act of 2010, P.L. 111-152. ✓

7 (a) <sup>a</sup> "Agency" means an office, department, agency, institution of higher  
8 education, association, society, or other body in state government created or  
9

238,

1 authorized to be created by the constitution or any law, which is entitled to expend  
2 moneys appropriated by law, including the legislature, the courts, and any authority  
3 created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, or 279.

INSERT  
A (from previous  
pages)

\*\*\*\*NOTE: Please review this definition of state agency to ensure it incorporates all of the entities you want to report on the costs of PPACA implementation. This definition is copied from s. 13.172 and includes the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Wisconsin Health and Educational Facilities Authority, the UW Hospitals and Clinics Authority, the Wisconsin Housing and Economic Development Authority, and the Lower Fox River Remediation Authority.

4 (2) REPORT REQUIRED. By September 1, 2012, and annually thereafter, each  
5 agency shall submit to the legislature in the manner provided under s. 13.172 (2) a  
6 report that describes the cost to that agency of implementing the Patient Protection  
7 and Affordable Care Act.

8 SECTION 2. 601.46 (3) (k) of the statutes is created to read:

(1)(b)

9 601.46 (3) (k) A review of the effect the implementation of the Patient  
10 Protection and Affordable Care Act, as defined in s. 20.9265, has on rates of health  
11 care plans, as defined in s. 628.36 (2) (a) 1., that are not issued through a  
12 governmental body.

(END)

the Wisconsin Economic Development Corporation,



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3462/P1  
TJD:jld:jf

P2

In. 11/16/11 *soon*

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

X

*Regen*

1 AN ACT *to create* 20.9265 and 601.46 (3) (k) of the statutes; **relating to:** reports  
2 on implementation of federal health reform.

---

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

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

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

3 SECTION 1. 20.9265 <sup>X</sup> of the statutes is created to read:  
4 **20.9265 Federal health reform cost reports.** (1) DEFINITIONS. In this  
5 section:

6 (a) "Agency" means an office, department, agency, institution of higher  
7 education, association, society, or other body in state government created or  
8 authorized to be created by the constitution or any law, which is entitled to expend  
9 moneys appropriated by law, including the legislature, the courts, and any authority

1 created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, 238, or  
2 279.

\*\*\*\*NOTE: Please review this definition of agency to ensure it incorporates all of the entities you want to report on the costs of PPACA implementation. This definition is copied from s. 13.172 and includes the Wisconsin Aerospace Authority, the Health Insurance Risk-Sharing Plan Authority, the Wisconsin Health and Educational Facilities Authority, the UW Hospitals and Clinics Authority, the Wisconsin Housing and Economic Development Authority, the Wisconsin Economic Development Corporation, and the Lower Fox River Remediation Authority.

Insert 2-3

3 (C) (b) "Patient Protection and Affordable Care Act" means the federal Patient  
4 Protection and Affordable Care Act, P.L. 111-148, as amended by the federal Health  
5 Care and Education Reconciliation Act of 2010, P.L. 111-152.

subject to sub. (3)

6 (2) REPORT REQUIRED. By September 1, 2012, and annually thereafter, each  
7 agency shall submit to the legislature in the manner provided under s. 13.172 (2) a  
8 report that describes the cost to that agency of implementing the Patient Protection  
9 and Affordable Care Act.

Insert 2-10

10 SECTION 2. 601.46 (3) (k) of the statutes is created to read:

(c)

11 601.46 (3) (k) A review of the effect the implementation of the Patient  
12 Protection and Affordable Care Act, as defined in s. 20.9265 (1) (b), has on rates of  
13 health care plans, as defined in s. 628.36 (2) (a) 1., that are not issued through a  
14 governmental body.

(END)

Insert 2-14

whether offered inside or outside of any health insurance exchange;

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3462/P2ins  
TJD:.....

1 INSERT 2-3

2 (b) "Medical Assistance program" includes any program operated under subch.  
3 IV of ch. 49, demonstration program operated under 42 USC 1315, and program  
4 operated under a waiver of federal law relating to medical assistance that is granted  
5 by the federal department of health and human services.

\*\*\*\*NOTE: This definition includes Medical Assistance programs such as  
BadgerCare and all demonstration and waiver programs, such as Family Care. Please  
confirm that this definition meets your intent.

(END INSERT 2-3)

6 INSERT 2-10

7 (3) SPECIFIC AGENCY REQUIREMENTS. (a) In the report under sub. (2), the  
8 department of health services shall include the spending per recipient for Medical  
9 Assistance programs and the spending for Medical Assistance programs as a  
10 percentage of the state budget.

\*\*\*\*NOTE: This is drafted such that the report reflects the amount of spending for  
each recipient of medical assistance. Is that what you intended?

\*\*\*\*NOTE: Did you just want the spending for the current year? Do you also want  
an analysis of how, if any, PPACA has changed the spending over time?

11 (b) In the report under sub. (2), the department of health services or the  
12 department of safety and professional services shall include the number of  
13 physicians practicing in the state.

\*\*\*\*NOTE: This paragraph should probably be drafted such that only one of these  
departments is required to report this information and that it is clear which one needs  
to report. You may want to call both departments to determine which one may have that  
information.

\*\*\*\*NOTE: Did you want just the annual number of practicing physicians? Do you  
also want an analysis of how PPACA may have changed the number of practicing  
physicians over time?



1 (c) In the report under sub. (2)<sup>✓</sup>, the office of the commissioner of insurance shall  
2 include the number of insurance companies that are operating in the state that offer  
3 health care plans, as defined in s. 628.36 (2) (a) 1.<sup>✓</sup>

\*\*\*\*NOTE: The phrase "operating in the state" may be confusing. Do you want<sup>✓</sup> OCI  
to report all insurance companies licensed to sell health insurance in Wisconsin or just  
Wisconsin-based companies? Also, do you want an analysis of how<sup>✓</sup> PPACA may have  
changed the number of insurers over time?

(END INSERT 2-10)

4 INSERT 2-14

5 ~~not~~ - The review shall include the average rate for each health care plan.<sup>✓</sup>

(END INSERT 2-14)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3462/P2  
TJD:jld:imp

P3

In 11/22/11

soon

RMR

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

D-note

x

Regen

1 AN ACT *to create* 20.9265 and 601.46 (3) (k) of the statutes; **relating to:** reports  
2 on implementation of federal health reform.

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

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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3 SECTION 1. 20.9265<sup>x</sup> of the statutes is created to read:

4 **20.9265 Federal health reform cost reports. (1) DEFINITIONS.** In this  
5 section:

6 (a) "Agency" means an office, department, agency, institution of higher  
7 education, association, society, or other body in state government created or  
8 authorized to be created by the constitution or any law, which is entitled to expend  
9 moneys appropriated by law, including the legislature, the courts, and any authority

For that year and in an analysis of any change in spending after March 23, 2010

1 created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, 238, or  
2 279.

3 (b) "Medical Assistance program" includes any program operated under subch.  
4 IV of ch. 49, demonstration program operated under 42 USC 1315, and program  
5 operated under a waiver of federal law relating to medical assistance that is granted  
6 by the federal department of health and human services.

\*\*\*\*NOTE: This definition includes Medical Assistance programs such as BadgerCare and all demonstration and waiver programs, such as Family Care. Please confirm that this definition meets your intent.

7 (c) "Patient Protection and Affordable Care Act" means the federal Patient  
8 Protection and Affordable Care Act, P.L. 111-148, as amended by the federal Health  
9 Care and Education Reconciliation Act of 2010, P.L. 111-152.

10 (2) REPORT REQUIRED. By September 1, 2012, and annually thereafter, subject  
11 to sub. (3), each agency shall submit to the legislature in the manner provided under  
12 s. 13.172 (2) a report that describes the cost to that agency of implementing the  
13 Patient Protection and Affordable Care Act.

14 (3) SPECIFIC AGENCY REQUIREMENTS. (a) In the report under sub. (2), the  
15 department of health services shall include the average spending per recipient for Medical  
16 Assistance programs and the spending for Medical Assistance programs as a  
17 percentage of the state budget.

\*\*\*\*NOTE: This is drafted such that the report reflects the amount of spending for each recipient of medical assistance. Is that what you intended?

\*\*\*\*NOTE: Did you just want the spending for the current year? Do you also want an analysis of how, if any, PPACA has changed the spending over time?

18 (b) In the report under sub. (2), the department of health services or the  
19 department of safety and professional services shall include the number of  
20 physicians practicing in the state in that year and an analysis of any change

in the number of physicians practicing after March 23, 2010

\*\*\*\*NOTE: This paragraph should probably be drafted such that only one of these departments is required to report this information and that it is clear which one needs

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1 (c) In the report under sub. (2), the office of the commissioner of insurance shall  
2 include the number of insurance companies that are operating in the state that offer  
3 health care plans, as defined in s. 628.36 (2) (a) 1.

\*\*\*\*NOTE: The phrase "operating in the state" may be confusing. Do you want OCI to report all insurance companies licensed to sell health insurance in Wisconsin or just Wisconsin-based companies? Also, do you want an analysis of how PPACA may have changed the number of insurers over time?

4 SECTION 2. 601.46 (3) (k) of the statutes is created to read:

5 601.46 (3) (k) A review of the effect the implementation of the Patient  
6 Protection and Affordable Care Act, as defined in s. 20.9265 (1) (c), has on rates of  
7 health care plans, as defined in s. 628.36 (2) (a) 1., whether offered inside or outside  
8 of any health insurance exchange, that are not issued through a governmental body.  
9 The review shall include the average rate for each health care plan.

10 (END)

in the state for that year and in an analysis of any change  
in the number of insurers after  
march 23, 2010

D-note

D-note

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

TJD: jls  
LRB

Date } complies with your intent ✓

P Please review this preliminary draft to ensure that its language, especially the newly added language to the specific agency report requirements.

Once the language meets your approval, I can add an analysis and put the draft in introducible form.

P Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge  
Legislative Attorney  
Phone: (608) 267-7380  
Email: tamara.dodge@legis.wisconsin.gov

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

LRB-3462/P3dn  
TJD:jld:ph

November 28, 2011

Please review this preliminary draft to ensure that its language, especially the newly added language to the specific agency report requirements, complies with your intent. Once the language meets your approval, I can add an analysis and put the draft in introducible form.

Should you have any questions or redraft instructions, please contact me.

Tamara J. Dodge  
Legislative Attorney  
Phone: (608) 267-7380  
E-mail: [tamara.dodge@legis.wisconsin.gov](mailto:tamara.dodge@legis.wisconsin.gov)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3462/24  
TJD:jld:ph  
RMR

In: 12/5/11

Due  
Tues am  
12/6

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2011 BILL

Regen

x

1 AN ACT to create 20.9265 and 601.46 (3) (k) of the statutes; relating to: reports  
2 on implementation of federal health reform.

Insert  
Analysis ✓

*Analysis by the Legislative Reference Bureau*

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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

x

3 SECTION 1. 20.9265 of the statutes is created to read:  
4 **20.9265 Federal health reform cost reports.** (1) DEFINITIONS. In this  
5 section:  
6 (a) "Agency" means an office, department, agency, institution of higher  
7 education, association, society, or other body in state government created or  
8 authorized to be created by the constitution or any law, which is entitled to expend  
9 moneys appropriated by law, including the legislature, the courts, and any authority

1 created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, 238, or  
2 279.

3 (b) "Medical Assistance program" includes any program operated under subch.  
4 IV of ch. 49, demonstration program operated under 42 USC 1315, and program  
5 operated under a waiver of federal law relating to medical assistance that is granted  
6 by the federal department of health and human services.

7 (c) "Patient Protection and Affordable Care Act" means the federal Patient  
8 Protection and Affordable Care Act, P.L. 111-148, as amended by the federal Health  
9 Care and Education Reconciliation Act of 2010, P.L. 111-152.

10 (2) REPORT REQUIRED. By September 1, 2012<sup>✓</sup> and annually thereafter, subject  
11 to sub. (3), each agency shall submit to the legislature in the manner provided under  
12 s. 13.172 (2) a report that describes the cost to that agency of implementing the  
13 Patient Protection and Affordable Care Act.

14 (3) SPECIFIC AGENCY REQUIREMENTS. (a) In the report under sub. (2), the  
15 department of health services shall include the average spending per recipient for  
16 Medical Assistance programs<sup>↗</sup> and the spending for Medical Assistance programs as  
17 a percentage of the state budget<sup>✓</sup>, for that year and in an analysis of any change in  
18 spending after March 23, 2010<sup>✓</sup>.

19 (b) In the report under sub. (2), the department of safety and professional  
20 services shall include the number of physicians practicing in the state in that year  
21 and<sup>↗ in</sup> an analysis of any change in the number of physicians practicing after March  
22 23, 2010.

23 (c) In the report under sub. (2), the office of the commissioner of insurance shall  
24 include the number of insurance companies that offer health care plans, as defined

1 in s. 628.36 (2) (a) 1., in the state for that year and in an analysis of any change in  
2 the number of insurers after March 23, 2010.

\*\*\*\*NOTE: The phrase "operating in the state" may be confusing. Do you want OCI to report all insurance companies licensed to sell health insurance in Wisconsin or just Wisconsin-based companies? Also, do you want an analysis of how PPACA may have changed the number of insurers over time?

3 **SECTION 2.** 601.46 (3) (k) of the statutes is created to read:

4 601.46 (3) (k) A review of the effect the implementation of the Patient  
5 Protection and Affordable Care Act, as defined in s. 20.9265 (1) (c), has on rates of  
6 health care plans, as defined in s. 628.36 (2) (a) 1., whether offered inside or outside  
7 of any health insurance exchange, that are not issued through a governmental body.  
8 The review shall include the average rate for each health care plan.

9

(END)

2011-2012 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3462/lins  
TJD:.....

INSERT ANALYSIS

On March 23, 2010, the federal government enacted the Patient Protection and Affordable Care Act (PPACA), which, among other things, imposes requirements and limitations on health insurance policies and health plans, requires the creation of state-based health insurance exchanges through which individuals and small employers can purchase insurance, changes the income eligibility criteria for Medicaid (known as Medical Assistance in this state), and creates incentives for improving access to health care. This bill requires agencies of the state to submit annually to the legislature a report that describes the cost to that agency of implementing PPACA with the first report due by September 1, 2012. In addition, certain agencies must include certain information in their annual reports for that year and in an analysis of any change in the information after March 23, 2010. The Department of Health Services must include the average spending per recipient for Medical Assistance programs and the spending for Medical Assistance programs as a percentage of the state budget. The Department of Safety and Professional Services shall include the number of physicians practicing in the state. The Office of the Commissioner of Insurance must include the number of insurance companies that offer health care plans in the state. The bill also requires the commissioner of insurance to include in his or her annual report to the legislature a review of the effect the implementation of PPACA has on rates of health care plans that are not issued through a governmental body. That review must include the average rate for each health care plan. \*

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

(END INSERT ANALYSIS)



State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-3462/A 2  
TJD:jld:ph

In: 1/11/12

Due Wednesday  
FRI.

RMR

**2011 BILL**

and any federal moneys received after March 23, 2010, related to implementing PPACA ✓

Regen

1 ✓ AN ACT to create 20.9265 and 601.46 (3) (k) of the statutes; relating to: reports  
2 on implementation of federal health reform. ✓

✓ ; since March 23, 2010,

**Analysis by the Legislative Reference Bureau**

On March 23, 2010, the federal government enacted the Patient Protection and Affordable Care Act (PPACA), which, among other things, imposes requirements and limitations on health insurance policies and health plans, requires the creation of state-based health insurance exchanges through which individuals and small employers can purchase insurance, changes the income eligibility criteria for Medicaid (known as Medical Assistance in this state), and creates incentives for improving access to health care. This bill requires agencies of the state to submit annually to the legislature a report that describes the cost, to that agency of implementing PPACA, with the first report due by September 1, 2012. In addition, certain agencies must include certain information in their annual reports for that year and in an analysis of any change in the information after March 23, 2010. The Department of Health Services must include the average spending per recipient for Medical Assistance programs and the spending for Medical Assistance programs as a percentage of the state budget. The Department of Safety and Professional Services shall include the number of physicians practicing in the state. The Office of the Commissioner of Insurance must include the number of insurance companies that offer health care plans in the state. The bill also requires the commissioner of insurance to include in his or her annual report to the legislature a review of the effect the implementation of PPACA has on rates of health care plans that are not issued through a governmental body. That review must include the average rate for each health care plan.

**BILL**

For further information see the *state* 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.** 20.9265 of the statutes is created to read:

2           **20.9265 Federal health reform cost reports.** (1) **DEFINITIONS.** In this  
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5 education, association, society, or other body in state government created or  
6 authorized to be created by the constitution or any law, which is entitled to expend  
7 moneys appropriated by law, including the legislature, the courts, and any authority  
8 created in subch. II of ch. 114 or subch. III of ch. 149 or in ch. 231, 233, 234, 238, or  
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19 s. 13.172 (2) a report that describes the cost to that agency of implementing the  
20 Patient Protection and Affordable Care Act ✓

and any moneys received from the federal government after  
March 23, 2010, that are related to implementing the  
Patient Protection and Affordable Care Act ✓



**Parisi, Lori**

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**From:** Lewis, Amy  
**Sent:** Wednesday, January 18, 2012 9:43 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-3462/2 Topic: Require agencies to report on costs of implementing PPACA; require OCI to report on impact of PPACA to private insurance rates

Please Jacket LRB 11-3462/2 for the ASSEMBLY.

Thank you,

Amy Lewis  
*Office of Rep. David Craig*  
83rd Assembly District  
amy.lewis@legis.wisconsin.gov  
608-266-3363