

2013 DRAFTING REQUEST

Bill

Received: **8/27/2013** Received By: **pkahler**
Wanted: **As time permits** Same as LRB:
For: **Julie Lassa (608) 266-3123** By/Representing: **Danielle Williams**
May Contact: Drafter: **pkahler**
Subject: **Insurance - health** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Lassa@legis.wisconsin.gov**
Carbon copy (CC) to: **Tamara.Dodge@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Medigap policy open enrollment periods

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>
/?	pkahler 9/4/2013	jdyer 9/10/2013	phenry 9/10/2013	_____			
/P1	pkahler 10/11/2013			_____	mbarman 9/10/2013		
/1		jdyer 10/14/2013	rschluet 10/14/2013	_____	lparisi 10/14/2013	mbarman 10/29/2013	

FE Sent For:

↳ Not
Needed

<END>

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/P1	pkahler 10/11/2013			_____	mbarman 9/10/2013		
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/P1		<i>10/14 jld</i>	<i>9/10/2013</i>	<i>JY</i>	mbarman 9/10/2013		

FE Sent For:

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/?	pkahler	PI 9/10 jld	PK	_____	_____		
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FE Sent For:

<END>

Kahler, Pam

From: Williams, Danielle
Sent: Tuesday, August 27, 2013 1:01 PM
To: Kahler, Pam
Subject: Draft Request
Attachments: 11-18811.pdf

Hi Pam,

SB 510
↗

Would you please draft two versions of 2011 LRB-1881?

The second versions would expand the open enrollment period from 30-days to an annual open enrollment period that would last from Oct. 15-Dec. 17.

Thank you for your assistance! Please contact me with any questions.

Sincerely,

Danielle Williams
Policy Analyst, Office of State Senator Julie Lassa
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.williams@legis.wi.gov



3008/1

2013 ←
2011 SENATE BILL 510

jlc

into
(in 9-4)

February 23, 2012 – Introduced by Senators LASSA, HOLPERIN, RISSER, CARPENTER, HANSEN and C. LARSON, cosponsored by Representatives WYNN, SPANBAUER, PASCH, TURNER and POCAN. Referred to Committee on Insurance and Housing.

✓

regenerate ↓

1 AN ACT to create 227.01 (13) (mg) and 632.843 of the statutes; relating to:
2 special enrollment periods for Medicare supplement policies. ✓

Analysis by the Legislative Reference Bureau

Generally, Medicare Part A provides coverage for inpatient care and Medicare Part B provides coverage for outpatient care. Generally, a person is eligible for Medicare when he or she reaches age 65 or if he or she is under age 65 and disabled. Medicare supplement policies are private insurance policies that may be purchased by persons who are enrolled in Medicare and that provide supplemental coverage to that provided under Medicare, such as coverage for additional services, for the portion of the cost of services not paid by Medicare, or for deductibles required under Medicare.

This bill creates two special enrollment periods under Medicare supplement policies. Under the bill, an insurer offering a Medicare supplement policy may not deny coverage under the policy on the basis of health status, claims experience, receipt of health care, medical condition, disability, or age to a person under age 65 who is eligible for Medicare Part B during the six-month period beginning on the first day of the month in which the person first enrolls in Medicare Part B. The bill also requires every insurer offering a Medicare supplement policy to provide a 30-day enrollment period during which no person who is covered under another Medicare supplement policy and no person who is under age 65 and enrolled in Medicare Part B may be denied coverage under the insurer's Medicare supplement policy on the basis of a preexisting condition. In addition, the insurer may not impose on any person who obtains coverage during the 30-day enrollment period any

✓
an annual open

from October 15 through December 17,

annual open

SENATE BILL 510

preexisting condition exclusion. The commissioner of insurance must specify the 30 days for this enrollment period.

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

SECTION 1. 227.01 (13) (mg) of the statutes is created to read:

227.01 (13) (mg) Specifies the annual enrollment period under s. 632.843 (3).

SECTION 2. 632.843 of the statutes is created to read:

632.843 Special enrollment periods for Medicare supplement policies.

(1) DEFINITION. In this section, "Medicare Part B" means Part B of Medicare under 42 USC 1395j to 1395L.

(2) INITIAL 6-MONTH ENROLLMENT PERIOD. (a) During the initial enrollment period specified in par. (b), an insurer offering a Medicare supplement policy may not deny coverage under the policy on the basis of any of the following to an individual under the age of 65 who is eligible for Medicare Part B:

1. Health status.
2. Claims experience.
3. Receipt of health care.
4. Medical condition.
5. Disability.
6. Age.

(b) The initial enrollment period referred to in par. (a) for an individual described in par. (a) shall begin on the first day of the month in which the individual first enrolls in Medicare Part B and shall last for 6 months.

(3) ANNUAL 30-DAY ENROLLMENT PERIOD. (a) In this subsection, "preexisting condition" includes a preexisting disability.

(CS)
OPEN

SENATE BILL 510

1 (b) Beginning in ~~2012~~ ²⁰¹⁴, every insurer offering a Medicare supplement policy
 2 shall provide an annual ~~30-day~~ ^{open} enrollment period, specified by the commissioner
 3 under par. (c) during which any individual who has coverage under another
 4 Medicare supplement policy or who is under age 65 and enrolled in Medicare Part
 5 B may obtain coverage under the insurer's Medicare supplement policy without
 6 regard to any preexisting condition. Notwithstanding s. 632.76 (2), an insurer may
 7 not impose any preexisting condition exclusion on an individual who obtains
 8 coverage under the insurer's Medicare supplement policy during the ~~30-day~~
 9 ^{open} enrollment period under this subsection. Each insurer offering a Medicare
 10 supplement policy shall post on its ~~Web~~ ^{Internet} site the beginning and ending dates for the
 11 annual ~~30-day~~ ^{open} enrollment period under this subsection.

12 (c) The commissioner shall specify the beginning and ending dates of the
 13 30-day enrollment period required under this subsection.

SECTION 3. Initial applicability.

15 (1) The treatment of section 632.843 (2) of the statutes first applies to
 16 individuals who enroll in Medicare Part B on the effective date of this subsection.

(END)

from October 15 ^{to} ~~through~~
December 17

D - note

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

date

LRB-3008/Edn

PJK:.....

PI
v must run Jld

Note that I have changed the date on which the prohibition against imposing a preexisting condition begins from 2012 to 2014. ✓ Do you want a different date?

This year, October 15 is the third Tuesday of that month and December 17 is the third Tuesday of that month. Since those dates will fall on the weekend in some years, instead of specifying the dates you could specify the third Tuesday (or different days) of those two months for the annual open enrollment period. ✓

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

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

LRB-3008/P1dn
PJK:jld:ph

September 10, 2013

Note that I have changed the date on which the prohibition against imposing a preexisting condition begins from 2012 to 2014. Do you want a different date?

This year, October 15 is the third Tuesday of that month and December 17 is the third Tuesday of that month. Since those dates will fall on the weekend in some years, instead of specifying the dates you could specify the third Tuesday (or different days) of those two months for the annual open enrollment period.

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

Kahler, Pam

From: Williams, Danielle
Sent: Thursday, October 10, 2013 1:54 PM
To: Kahler, Pam
Subject: RE: Draft Request

It appears to be DHHS based on my reading of §1395w-101. Thanks!

Danielle Williams
Policy Analyst, Office of State Senator Julie Lassa
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.williams@legis.wi.gov

From: Kahler, Pam
Sent: Thursday, October 10, 2013 12:21 PM
To: Williams, Danielle
Subject: RE: Draft Request

Danielle:

Can you find out for me how the open enrollment period is determined? For example, does the CMS or DHHS or some other agency determine the dates?

From: Williams, Danielle
Sent: Thursday, October 10, 2013 12:05 PM
To: Kahler, Pam
Subject: RE: Draft Request

Thank you!

Danielle Williams
Policy Analyst, Office of State Senator Julie Lassa
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.williams@legis.wi.gov

From: Kahler, Pam
Sent: Thursday, October 10, 2013 12:02 PM
To: Williams, Danielle
Subject: RE: Draft Request

Sure.

From: Williams, Danielle
Sent: Thursday, October 10, 2013 11:59 AM

To: Kahler, Pam
Subject: RE: Draft Request

Hi Pam,

Would you be able to redraft LRB 3008/P1 as a "/1", but instead of actually specifying Oct. 15-Dec. 7, could you say that the open enrollment period must coincide with the Medicare Annual Open Enrollment Period? Apparently the Medicare OEP has changed over the years, so advocates would prefer to have the statute be more flexible to respond to those federal changes.

Thank you so much for your help!

Danielle Williams
Policy Analyst, Office of State Senator Julie Lassa
State Capitol
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-3123
danielle.williams@legis.wi.gov

From: Kahler, Pam
Sent: Tuesday, August 27, 2013 1:05 PM
To: Williams, Danielle
Subject: RE: Draft Request

Okay.

From: Williams, Danielle
Sent: Tuesday, August 27, 2013 1:01 PM
To: Kahler, Pam
Subject: Draft Request

Hi Pam,

Would you please draft two versions of 2011 LRB-1881? The first should be the same as the 2011 version. The second versions would expand the open enrollment period from 30-days to an annual open enrollment period that would last from Oct. 15-Dec. 17.

Thank you for your assistance! Please contact me with any questions.

Sincerely,

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Policy Analyst, Office of State Senator Julie Lassa
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P.O. Box 7882
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rm is run

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

2013 Bill

(in 10-11)

4 Regen

1 AN ACT *to create* 632.843 of the statutes; **relating to:** special enrollment periods
2 for Medicare supplement policies.

Analysis by the Legislative Reference Bureau

Generally, Medicare Part A provides coverage for inpatient care and Medicare Part B provides coverage for outpatient care. Generally, a person is eligible for Medicare when he or she reaches age 65 or if he or she is under age 65 and disabled. Medicare supplement policies are private insurance policies that may be purchased by persons who are enrolled in Medicare and that provide supplemental coverage to that provided under Medicare, such as coverage for additional services, for the portion of the cost of services not paid by Medicare, or for deductibles required under Medicare.

This bill creates two special enrollment periods under Medicare supplement policies. Under the bill, an insurer offering a Medicare supplement policy may not deny coverage under the policy on the basis of health status, claims experience, receipt of health care, medical condition, disability, or age to a person under age 65 who is eligible for Medicare Part B during the six-month period beginning on the first day of the month in which the person first enrolls in Medicare Part B. The bill also requires every insurer offering a Medicare supplement policy to provide an annual open enrollment period, from October 15 to December 17, during which no person who is covered under another Medicare supplement policy and no person who is under age 65 and enrolled in Medicare Part B may be denied coverage under the insurer's Medicare supplement policy on the basis of a preexisting condition. In



addition, the insurer may not impose on any person who obtains coverage during the annual open enrollment period any preexisting condition exclusion. *insert A*

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

1 SECTION 1. 632.843 of the statutes is created to read:

2 **632.843 Special enrollment periods for Medicare supplement policies.**

3 (1) DEFINITION. In this section, "Medicare Part B" means Part B of Medicare under
4 42 USC 1395j to 1395L.

5 (2) INITIAL 6-MONTH ENROLLMENT PERIOD. (a) During the initial enrollment
6 period specified in par. (b), an insurer offering a Medicare supplement policy may not
7 deny coverage under the policy on the basis of any of the following to an individual
8 under the age of 65 who is eligible for Medicare Part B:

- 9 1. Health status.
- 10 2. Claims experience.
- 11 3. Receipt of health care.
- 12 4. Medical condition.
- 13 5. Disability.
- 14 6. Age.

15 (b) The initial enrollment period referred to in par. (a) for an individual
16 described in par. (a) shall begin on the first day of the month in which the individual
17 first enrolls in Medicare Part B and shall last for 6 months.

18 (3) ANNUAL OPEN ENROLLMENT PERIOD. (a) In this subsection, "preexisting
19 condition" includes a preexisting disability.

20 (b) Beginning in 2014, every insurer offering a Medicare supplement policy
21 shall provide an annual open enrollment period from October 15 to December 17,

1 during which any individual who has coverage under another Medicare supplement
2 policy or who is under age 65 and enrolled in Medicare Part B may obtain coverage
3 under the insurer's Medicare supplement policy without regard to any preexisting
4 condition. Notwithstanding s. 632.76 (2), an insurer may not impose any preexisting
5 condition exclusion on an individual who obtains coverage under the insurer's
6 Medicare supplement policy during the open enrollment period under this
7 subsection. ^{Insert 3-7} Each insurer offering a Medicare supplement policy shall post on its
8 Internet site the beginning and ending dates for the annual open enrollment period
9 under this subsection.

10 **SECTION 2. Initial applicability.**

11 (1) The treatment of section 632.843 (2) [✓] of the statutes first applies to
12 individuals who enroll in Medicare Part B on the effective date of this subsection.

13 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3008/lins

PJK:.....

rm is new

INSERT A

wof ✓ The annual open enrollment period must begin and end on the same dates as the federal Medicare annual election period. ✓

(END OF INSERT A)

*open enrollment period,
also known as the annual*

INSERT 3-7

1 *wof* ✓ The beginning and ending dates for the annual open enrollment period ✓ under
2 this subsection ✓ in any year shall be the same as the beginning and ending dates in
3 that year of the Medicare ✓ annual, coordinated election period, as defined in 42 USC
4 1395w-21 (e) (3) (B).

(END OF INSERT 3-7)

Parisi, Lori

From: Williams, Danielle
Sent: Tuesday, October 29, 2013 11:56 AM
To: LRB.Legal
Subject: Draft Review: LRB -3008/1 Topic: Medigap policy open enrollment periods

Please Jacket LRB -3008/1 for the SENATE.