

2013 DRAFTING REQUEST

Senate Amendment (SA-SB160)

Received: 3/17/2014 Received By: chanaman
Wanted: As time permits Same as LRB:
For: Jon Erpenbach (608) 266-6670 By/Representing: Julie
May Contact: Drafter: chanaman
Subject: Insurance - health Addl. Drafters:
Extra Copies:

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

Pre Topic:

No specific pre topic given

Topic:

Add SB 300; Copayments, deductibles, or coinsurance for oral chemotherapy and injected or intravenous chemotherapy

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>
/?	chanaman 3/17/2014	jdye 3/17/2014		_____			
/1			rschluet 3/17/2014	_____	lparisi 3/17/2014	lparisi 3/17/2014	

FE Sent For:

<END>

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/? chanaman 1 3/17 jld jld
3/17/2014
3/17/14 jm

FE Sent For:

<END>



JLD +
eev

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

NOW

**SENATE AMENDMENT,
TO SENATE BILL 160**

1 At the locations indicated, amend the bill as follows:

2

1. Page 1, line 7: after "incident" insert ";

INS REL ✓

3

2. Page 2, line 5: after that line insert:

← INS 2-5 ✓

4

3. Page 3, line 4: after that line insert:

← INS 3-4 ✓

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4. Page 4, line 17: after that line insert:

← INS 4-17 ✓

6

5. Page 7, line 3: after that line insert:

7

"SECTION 16n. Initial applicability.

8

(1) The treatment of sections 40.51 (8) and (8m), 66.0137 (4), 120.13 (2)(g),

9

185.983 (1) (intro.), 609.837, and 632.867 the statutes first applies to

10

(END)

of

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IA/ED ✓



2013 SENATE BILL 300

September 13, 2013 - Introduced by Senators DARLING, L. TAYLOR, HARS DORF, MOULTON, OLSEN, PETROWSKI, SCHULTZ, CARPENTER, ERPENBACH, HANSEN, LASSA, MILLER, RISSER, VINEHOUT and WIRCH, cosponsored by Representatives STRACHOTA, BARCA, JACQUE, TITTL, THIESFELDT, LOUDENBECK, STONE, KERKMAN, SCHRAA, BROOKS, T. LARSON, PRIDEMORE, TRANEL, A. OTT, RIPP, BALLWEG, BERNIER, BIES, KAUFERT, KNODL, ZAMARRIPA, HULSEY, OHNSTAD, JOHNSON, BERCEAU, KOLSTE, MASON, SINICKI, VRUWINK, BEWLEY, PASCH, RICHARDS, GOYKE, RIEMER, HESSELBEIN, SMITH, DANOU, HEBL, YOUNG, ZEPNICK and KAHL. Referred to Committee on Insurance and Housing.

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983
2 *and* (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.

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Analysis by the Legislative Reference Bureau

This bill 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 bill 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.

SENATE BILL 300

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:~~

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" SECTION 1. ^{In ← (B)} 40.51 (8) of the statutes is amended to read:

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

6

SECTION 2. ^{IP ← (B)} 40.51 (8m) of the statutes is amended to read:

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

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" SECTION 3. ^{3n ← (B)} 66.0137 (4) of the statutes is amended to read:

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

18

SECTION 4. ^{3p ← (B)} 120.13 (2) (g) of the statutes is amended to read:

120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),



SENATE BILL 300

1 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4), (5), and (6), 632.885, 632.89,
2 632.895 (9) to (17), 632.896, and 767.513 (4).ⁿ ✓

3 SECTION 5. ^{8h ← (5)} 185.983 (1) (intro.) of the statutes is amended to read:

4 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
5 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
6 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
7 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
8 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
9 632.853, 632.855, 632.867, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89,
10 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
11 and 646, but the sponsoring association shall:

12 SECTION 6. ^{8n ← (3)} 609.837 of the statutes is created to read:

13 **609.837 Copayment equality for oral and injected chemotherapy.**

14 Limited service health organizations, preferred provider plans, and defined network
15 plans are subject to s. 632.867.

16 SECTION 7. ^{8p ← (3)} 632.867 of the statutes is created to read:

17 **632.867 Oral and injected chemotherapy.** (1) DEFINITIONS. In this section:

18 (a) "Chemotherapy" means drugs and biologics that kill cancer cells directly,
19 including antineoplastics, biologic response modifiers, hormone therapy, and
20 monoclonal antibodies, and that are used to do any of the following:

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



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SENATE BILL 300

SECTION 7

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

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

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

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

no 91

SECTION 8. Initial applicability.

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

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

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

23 1. The day on which the collective bargaining agreement expires.

24 2. The day on which the collective bargaining agreement is extended, modified,
25 or renewed.



SENATE BILL 300

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

- 5 1. The day on which the collective bargaining agreement expires.
- 6 2. The day on which the collective bargaining agreement is extended, modified,
7 or renewed.

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

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

12

~~END~~

16P ← (B)