



1995 SENATE BILL 620

March 12, 1996 - Introduced by Senators PANZER, RUDE, ROSENZWEIG, MOEN, WINEKE, FITZGERALD and DARLING, cosponsored by Representative HANDRICK. Referred to Committee on Insurance.

1 **AN ACT** *to repeal* 120.12 (16) (a); *to renumber* 120.12 (16) (b); *to amend* 40.51
2 (8), 60.23 (25), 66.184, 111.70 (1) (a), 120.13 (2) (g), 185.981 (4t), 185.983 (1)
3 (intro.), 252.04 (5) (a) and 252.04 (6); and *to create* 40.51 (8m), 111.70 (4) (n),
4 111.91 (2) (k), 120.12 (25) and 632.895 (11) of the statutes; **relating to:**
5 immunization requirements, the adoption of school health services plans and
6 requiring insurance coverage of certain immunizations for children.

Analysis by the Legislative Reference Bureau

This bill requires every health insurance policy (called "disability insurance policy" in the statutes), including health care plans offered by health maintenance organizations, preferred provider plans and the state, and every self-insured health plan of the state or a county, city, town, village or school district, to provide coverage of appropriate and necessary immunizations, specified in the bill, from birth to age 2, for a dependent child of the insured if the policy or plan covers a dependent of the insured. (Under current law, health insurance policies are required to cover a newly born child of the insured, even if the policy did not provide coverage for dependents at the time of the birth.) Coverage of the specified immunizations may not be subject to any deductibles, coinsurance or copayments under the policy or plan. Specifically excluded from this coverage requirement are health insurance policies that cover only certain specified diseases, health care plans offered by limited service health organizations, medicare replacement or supplement policies and long-term care insurance policies.

Current law directs each school board annually to develop an immunization plan and to submit the plan to the department of health and social services. This bill eliminates this requirement. The bill requires each school board to adopt a school health services plan by January 1, 1997.

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:

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), 632.72 (2), 632.87 (3) to (5), 632.895
4 (5m) and (8) to ~~(10)~~ (11) and 632.896.

5 **SECTION 2.** 40.51 (8m) of the statutes is created to read:

6 40.51 (8m) Every health care coverage plan offered by the group insurance
7 board under sub. (7) shall comply with s. 632.895 (11).

8 **SECTION 3.** 60.23 (25) of the statutes is amended to read:

9 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its
10 officers and employes on a self-insured basis if the self-insured plan complies with
11 ss. 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and (11) and 632.896.

12 **SECTION 4.** 66.184 of the statutes is amended to read:

13 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a
14 village provides health care benefits under its home rule power, or if a town provides
15 health care benefits, to its officers and employes on a self-insured basis, the
16 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
17 632.87 (4) and (5), 632.895 (9) ~~and (10)~~ to (11), 632.896, 767.25 (4m) (d) and 767.51
18 (3m) (d).

19 **SECTION 5.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,
20 is amended to read:

1 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
2 obligation of a municipal employer, through its officers and agents, and the
3 representative of its municipal employes in a collective bargaining unit, to meet and
4 confer at reasonable times, in good faith, with the intention of reaching an
5 agreement, or to resolve questions arising under such an agreement, with respect to
6 wages, hours and conditions of employment, and with respect to a requirement of the
7 municipal employer for a municipal employe to perform law enforcement and fire
8 fighting services under s. 61.66, except as provided in sub. (4) (m) and (n) and s. 40.81
9 (3) and except that a municipal employer shall not meet and confer with respect to
10 any proposal to diminish or abridge the rights guaranteed to municipal employes
11 under ch. 164. The duty to bargain, however, does not compel either party to agree
12 to a proposal or require the making of a concession. Collective bargaining includes
13 the reduction of any agreement reached to a written and signed document. The
14 municipal employer shall not be required to bargain on subjects reserved to
15 management and direction of the governmental unit except insofar as the manner
16 of exercise of such functions affects the wages, hours and conditions of employment
17 of the municipal employes in a collective bargaining unit. In creating this subchapter
18 the legislature recognizes that the municipal employer must exercise its powers and
19 responsibilities to act for the government and good order of the jurisdiction which it
20 serves, its commercial benefit and the health, safety and welfare of the public to
21 assure orderly operations and functions within its jurisdiction, subject to those
22 rights secured to municipal employes by the constitutions of this state and of the
23 United States and by this subchapter.

24 **SECTION 6.** 111.70 (4) (n) of the statutes is created to read:

1 111.70 (4) (n) *Health insurance coverage of immunizations for minor*
2 *dependents.* The municipal employer is prohibited from bargaining collectively with
3 respect to the provision of the health insurance coverage required under s. 632.895
4 (11).

5 **SECTION 7.** 111.91 (2) (k) of the statutes is created to read:

6 111.91 (2) (k) The provision to employes of the health insurance coverage
7 required under s. 632.895 (11).

8 **SECTION 8.** 120.12 (16) (a) of the statutes is repealed.

9 **SECTION 9.** 120.12 (16) (b) of the statutes is renumbered 120.12 (16).

10 **SECTION 10.** 120.12 (25) of the statutes is created to read:

11 120.12 (25) HEALTH SERVICES PLAN. By January 1, 1997, adopt a school health
12 services plan.

13 **SECTION 11.** 120.13 (2) (g) of the statutes is amended to read:

14 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
15 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and ~~(10)~~ to
16 (11), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

17 **SECTION 12.** 185.981 (4t) of the statutes is amended to read:

18 185.981 (4t) A sickness care plan operated by a cooperative association is
19 subject to ss. 252.14, 631.89, 632.72 (2), 632.87 (2m), (3), (4) and (5), 632.895 (10) and
20 (11) and 632.897 (10) and ch. 155.

21 **SECTION 13.** 185.983 (1) (intro.) of the statutes is amended to read:

22 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
23 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
24 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
25 (2), 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5), 632.895 (5), ~~(9) and (10)~~

1 and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619 and chs. 609, 630, 635,
2 645 and 646, but the sponsoring association shall:

3 **SECTION 14.** 252.04 (5) (a) of the statutes is amended to read:

4 252.04 (5) (a) By ~~the 15th and~~ the 25th school day after the student is admitted
5 to a school, day care center or nursery school, the school, day care center or nursery
6 school shall notify in writing any adult student or the parent, guardian or legal
7 custodian of any minor student who has not met the immunization or waiver
8 requirements of this section. The ~~notices~~ notice shall cite the terms of those
9 requirements and shall state that referral to the district attorney, court action and
10 forfeiture penalty could result due to noncompliance. The ~~notices~~ notice shall also
11 explain the reasons for the immunization requirements and include information on
12 how and where to obtain the required immunizations.

13 **SECTION 15.** 252.04 (6) of the statutes is amended to read:

14 252.04 (6) The school, day care center or nursery school shall notify the district
15 attorney of the county in which the student resides of any minor student who fails
16 to present written evidence of completed immunizations or a written waiver under
17 sub. (3) within ~~60~~ 45 school days, or within 60 school days if the school, day care
18 center or nursery school is located in a 1st class city, after being admitted to the
19 school, day care center or nursery school. The district attorney shall petition the
20 court exercising jurisdiction under ch. 48 for an order directing that the student be
21 in compliance with the requirements of this section. If the court grants the petition,
22 the court may specify the date by which a written waiver shall be submitted under
23 sub. (3) or may specify the terms of the immunization schedule. The court may
24 require an adult student or the parent, guardian or legal custodian of a minor

1 student who refuses to submit a written waiver by the specified date or meet the
2 terms of the immunization schedule to forfeit not more than \$25 per day of violation.

3 **SECTION 16.** 632.895 (11) of the statutes is created to read:

4 **632.895 (11) COVERAGE OF IMMUNIZATIONS.** (a) In this subsection:

5 1. "Appropriate and necessary immunizations" means the administration of
6 vaccine that meets the standards approved by the U.S. public health service for such
7 biological products against at least all of the following:

8 a. Diphtheria.

9 b. Pertussis.

10 c. Tetanus.

11 d. Polio.

12 e. Measles.

13 f. Mumps.

14 g. Rubella.

15 h. Any other disease for which immunization is recommended by the state
16 health officer appointed under s. 250.02 (1).

17 2. "Dependent" has the meaning given in s. 635.02 (3c).

18 (b) Except as provided in par. (d), every disability insurance policy, and every
19 self-insured health plan of the state or a county, city, town, village or school district,
20 that provides coverage for a dependent of the insured shall provide coverage of
21 appropriate and necessary immunizations, from birth to the age of 2 years, for a
22 dependent who is a child of the insured.

23 (c) The coverage required under par. (b) may not be subject to any deductibles,
24 copayments or coinsurance under the policy or plan.

25 (d) This subsection does not apply to any of the following:

- 1 1. A disability insurance policy that covers only certain specified diseases.
- 2 2. A health care plan offered by a limited service health organization, as defined
- 3 in s. 609.01 (3).
- 4 3. A long-term care insurance policy, as defined in s. 600.03 (28g).
- 5 4. A medicare replacement policy, as defined in s. 600.03 (28p).
- 6 5. A medicare supplement policy, as defined in s. 600.03 (28r).

7 **SECTION 17. Initial applicability.**

8 (1) The treatment of section 252.04 (5) (a) and (c) of the statutes first applies
9 to students admitted to a school, day care center or nursery school during the 1996-97
10 school year.

11 (2) The treatment of sections 40.51 (8) and (8m), 60.23 (25), 66.184, 111.70 (1)
12 (a) and (4) (n), 111.91 (2) (k), 120.13 (2) (g), 185.981 (4t), 185.983 (1) (intro.) and
13 632.895 (11) of the statutes first applies to all of the following:

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

17 (b) Disability insurance policies covering employes who are affected by a
18 collective bargaining agreement containing provisions inconsistent with this act
19 that are issued or renewed on the earlier of the following:

- 20 1. The day on which the collective bargaining agreement expires.
- 21 2. The day on which the collective bargaining agreement is extended,
22 modified or renewed.

23 (c) Self-insured health plans covering employes who are affected by a
24 collective bargaining agreement containing provisions inconsistent with this act
25 that are established, extended, modified or renewed on the earlier of the following:

