



## 1997 ASSEMBLY BILL 15

January 28, 1997 - Introduced by Representatives LADWIG, NOTESTEIN, KRUG, HANDRICK, HUEBSCH, TURNER, WASSERMAN, ZIEGELBAUER, GUNDERSON, BAUMGART, BOCK, GRONEMUS, URBAN, SERATTI, R. POTTER, RILEY, OWENS, MUSSER, OTTE, PLALE, WARD, HAHN, BALDWIN, SYKORA, KELSO and POWERS, cosponsored by Senators PLACHE, CLAUSING, BUETTNER and A. LASEE. Referred to Committee on Insurance, Securities and Corporate Policy.

1     **AN ACT to amend** 40.51 (8), 40.51 (8m), 60.23 (25), 66.184, 120.13 (2) (g), 185.981  
2           (4t), 185.983 (1) (intro.) and 619.14 (4) (a); and **to create** 111.91 (2) (n), 609.79  
3           and 632.895 (11) of the statutes; **relating to:** requiring insurance coverage of  
4           breast reconstruction.

---

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

This bill requires health care plans that provide coverage of a mastectomy to provide coverage of breast reconstruction that is incident to the mastectomy. The coverage requirement applies to both individual and group health insurance policies and plans, including health maintenance organizations, limited service health organizations, preferred provider plans and cooperative sickness care associations; to health plans offered by the state to its employes, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages and school districts. The requirement may be subject to any limitations, exclusions or cost-sharing provisions that apply generally under the policy or plan.

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:***

**ASSEMBLY BILL 15****SECTION 1**

1           **SECTION 1.** 40.51 (8) of the statutes, as affected by 1995 Wisconsin Act 289, is  
2 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), 632.72 (2), 632.745 (1) to (3) and (5),  
5 632.747, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(10)~~ (11) and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes, as created by 1995 Wisconsin Act 289,  
7 is amended to read:

8           40.51 **(8m)** Every health care coverage plan offered by the group insurance  
9 board under sub. (7) shall comply with ss. 632.745 (1) to (3) and (5) ~~and~~, 632.747 and  
10 632.895 (11).

11           **SECTION 3.** 60.23 (25) of the statutes, as affected by 1995 Wisconsin Act 289,  
12 is amended to read:

13           60.23 **(25)** SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
14 officers and employes on a self-insured basis if the self-insured plan complies with  
15 ss. 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3),  
16 632.87 (4) and (5), 632.895 (9) and (11) and 632.896.

17           **SECTION 4.** 66.184 of the statutes, as affected by 1995 Wisconsin Act 289, is  
18 amended to read:

19           **66.184 Self-insured health plans.** If a city, including a 1st class city, or a  
20 village provides health care benefits under its home rule power, or if a town provides  
21 health care benefits, to its officers and employes on a self-insured basis, the  
22 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
23 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) ~~and~~  
24 ~~(10)~~ to (11), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

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

**ASSEMBLY BILL 15**

1           111.91 (2) (n) The provision to employes of the health insurance coverage  
2 required under s. 632.895 (11).

3           **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Act 289,  
4 is amended to read:

5           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
6 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,  
7 632.747 (3), 632.87 (4) and (5), 632.895 (9) ~~and (10)~~ to (11), 632.896, 767.25 (4m) (d)  
8 and 767.51 (3m) (d).

9           **SECTION 7.** 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Act 289,  
10 is amended to read:

11           185.981 (4t) A sickness care plan operated by a cooperative association is  
12 subject to ss. 252.14, 631.89, 632.72 (2), 632.745, 632.747, 632.749, 632.87 (2m), (3),  
13 (4) and (5), 632.895 (10) and (11) and 632.897 (10) and ch. 155.

14           **SECTION 8.** 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
15 Act 289, is amended to read:

16           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
17 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
18 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
19 (2), 632.745, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),  
20 632.895 (5), ~~(9) and (10)~~ and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619  
21 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

22           **SECTION 9.** 609.79 of the statutes is created to read:

23           **609.79 Coverage of breast reconstruction.** Health maintenance  
24 organizations, limited service health organizations and preferred provider plans are  
25 subject to s. 632.895 (11).

**ASSEMBLY BILL 15****SECTION 10**

1           **SECTION 10.** 619.14 (4) (a) of the statutes is amended to read:

2           619.14 (4) (a) Any charge for treatment for cosmetic purposes other than  
3 surgery for the repair or treatment of an injury or a congenital bodily defect. Breast  
4 reconstruction incident to a mastectomy shall not be considered treatment for  
5 cosmetic purposes.

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

7           632.895 (11) BREAST RECONSTRUCTION. (a) Every disability insurance policy,  
8 and every self-insured health plan of the state or a county, city, village, town or school  
9 district, that provides coverage of the surgical procedure known as a mastectomy  
10 shall provide coverage of breast reconstruction incident to a mastectomy.

11           (b) The coverage required under par. (a) may be subject to any limitations,  
12 exclusions or cost-sharing provisions that apply generally under the disability  
13 insurance policy or self-insured health plan.

14           **SECTION 12. 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 self-insured health plans that are established,  
18 extended, modified or renewed, on the effective date of this paragraph.

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

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

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

