



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRBb0824/1  
ALL:all

**ASSEMBLY AMENDMENT 8,  
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,  
TO ASSEMBLY BILL 64**

September 13, 2017 - Offered by Representatives SUBECK, C. TAYLOR, ANDERSON, HEBL, BARCA, BERCEAU, BILLINGS, BOWEN, BROSTOFF, CONSIDINE, CROWLEY, DOYLE, FIELDS, GENRICH, GOYKE, HESSELBEIN, HINTZ, KESSLER, KOLSTE, MASON, MEYERS, MILROY, OHNSTAD, POPE, RIEMER, SARGENT, SHANKLAND, SINICKI, SPREITZER, STUCK, VRUWINK, WACHS, YOUNG, ZAMARRIPA and ZEPNICK.

1 At the locations indicated, amend the substitute amendment as follows:

2 **1.** Page 11, line 1: before that line insert:

3 “**SECTION 8r.** 13.94 (1) (nm) of the statutes is created to read:

4 13.94 (1) (nm) No later than February 1, 2021, prepare a financial and  
5 performance evaluation audit of the nonemergency medical transportation program  
6 for Medical Assistance recipients including a comparison of services provided under  
7 an alternative arrangement made under 2017 Wisconsin Act .... (this act), section  
8 9120 (5p), to services provided under a contract other than the alternative  
9 arrangement.”.

10 **2.** Page 173, line 16: increase the dollar amount for fiscal year 2017-18 by  
11 \$239,800 and increase the dollar amount for fiscal year 2018-19 by \$239,800 for the

1 purpose of increasing the funding for emergency medical services training and  
2 certification aids.

3 **3.** Page 179, line 2: decrease the dollar amount for fiscal year 2017-18 by  
4 \$98,900,000 and decrease the dollar amount for fiscal year 2018-19 by \$187,400,000  
5 for the purpose of providing Medical Assistance to certain adults with family incomes  
6 up to 133 percent of the federal poverty line.

7 **4.** Page 179, line 2: increase the dollar amount for fiscal year 2017-18 by  
8 \$72,836,000 and increase the dollar amount for fiscal year 2018-19 by \$156,124,700  
9 for the purpose of increasing reimbursement rates for certain providers of Medical  
10 Assistance services as described under SECTION 9120 (7g) of this act.

11 **5.** Page 179, line 2: increase the dollar amount for fiscal year 2017-18 by  
12 \$7,459,500 and increase the dollar amount for fiscal year 2018-19 by \$15,961,700 for  
13 the purpose of increasing reimbursement rates for certain providers of Medical  
14 Assistance nursing homes as described under SECTION 9120 (5v) of this act.

15 **6.** Page 179, line 2: increase the dollar amount for fiscal year 2017-18 by  
16 \$13,262,515 and increase the dollar amount for fiscal year 2018-19 by \$28,318,166  
17 for the purpose of increasing reimbursement rates for certain providers of Medical  
18 Assistance personal care services as described under SECTION 9120 (5t) of this act.

19 **7.** Page 424, line 21: after that line insert:

20 **“SECTION 709n.** 40.51 (8) of the statutes is amended to read:

21 40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
22 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.728, 632.746  
23 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,

1 632.855, 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and  
2 632.896.

3 **SECTION 709p.** 40.51 (8m) of the statutes is amended to read:

4 40.51 (8m) Every health care coverage plan offered by the group insurance  
5 board under sub. (7) shall comply with ss. 631.95, 632.728, 632.746 (1) to (8) and (10),  
6 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867,  
7 632.885, 632.89, and 632.895 (11) to (17).”.

8 **8.** Page 424, line 21: after that line insert:

9 “**SECTION 709p.** 40.51 (8m) of the statutes is amended to read:

10 40.51 (8m) Every health care coverage plan offered by the group insurance  
11 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
12 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.885,  
13 632.89, and 632.895 ~~(11)~~ (8) and (10) to (17).”.

14 **9.** Page 424, line 21: after that line insert:

15 “**SECTION 709n.** 40.51 (8) of the statutes is amended to read:

16 40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
17 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)  
18 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,  
19 632.867, 632.87 (3) to (6), 632.883, 632.885, 632.89, 632.895 (5m) and (8) to (17), and  
20 632.896.

21 **SECTION 709p.** 40.51 (8m) of the statutes is amended to read:

22 40.51 (8m) Every health care coverage plan offered by the group insurance  
23 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,

1 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.883,  
2 632.885, 632.89, and 632.895 (11) to (17).”.

3 **10.** Page 518, line 19: after that line insert:

4 “**SECTION 925t.** 49.45 (9d) of the statutes is created to read:

5 49.45 (**9d**) FAMILY PLANNING SERVICES; PRIVATE PROVIDERS. (a) In this subsection:

6 1. “Family planning” has the meaning given s. 253.07 (1) (a).

7 2. “Federal funding prohibition” means an enacted federal law, a regulation,  
8 or an executive order or action that prohibits federal moneys from being paid by the  
9 state to a provider under the Medicaid program because of the scope of services  
10 offered by the provider or the scope of services for which the provider offers referrals.

11 3. “Nonpublic family planning provider” means an entity other than a public  
12 entity or governmental unit that is a provider of services for family planning under  
13 the Medical Assistance program under this subchapter on December 31, 2016.

14 (b) If a nonpublic family planning provider becomes subject to a federal funding  
15 prohibition, the department shall do all of the following:

16 1. Ensure that enrollees in the Medical Assistance program under this  
17 subchapter are allowed access to the nonpublic family planning provider to the same  
18 extent as before the federal funding prohibition.

19 2. Reimburse the nonpublic family planning provider for services provided to  
20 Medical Assistance enrollees under this subchapter for services for family planning  
21 that are covered under the Medical Assistance program.

22 3. Maintain requirements for the nonpublic family planning provider to receive  
23 state payments under this subchapter that are the same requirements as before the  
24 federal funding prohibition.

1 (c) The department may not limit the scope of services for which a nonpublic  
2 family planning provider may offer a referral in order to receive reimbursement  
3 under par. (b) 2.”.

4 **11.** Page 521, line 19: after that line insert:

5 “**SECTION 926w.** 49.45 (23) (a) of the statutes is amended to read:

6 49.45 (23) (a) The department shall request a waiver from the secretary of the  
7 federal department of health and human services to permit the department to  
8 conduct a demonstration project to provide health care coverage to adults who are  
9 under the age of 65, who have family incomes not to exceed ~~100~~ 133 percent of the  
10 poverty line ~~before application of the 5 percent income disregard under 42 CFR~~  
11 ~~435.603 (d),~~ except as provided in s. 49.471 (4g), and who are not otherwise eligible  
12 for medical assistance under this subchapter, the Badger Care health care program  
13 under s. 49.665, or Medicare under 42 USC 1395 et seq.”.

14 **12.** Page 531, line 15: after that line insert:

15 “**SECTION 933p.** 49.471 (1) (cr) of the statutes is created to read:

16 49.471 (1) (cr) “Enhanced federal medical assistance percentage” means a  
17 federal medical assistance percentage described under 42 USC 1396d (y) or (z).

18 **SECTION 933r.** 49.471 (4) (a) 4. b. of the statutes is amended to read:

19 49.471 (4) (a) 4. b. The Except as provided in sub. (4g), the individual’s family  
20 income does not exceed ~~100~~ 133 percent of the poverty line ~~before application of the~~  
21 ~~5 percent income disregard under 42 CFR 435.603 (d).~~

22 **SECTION 933t.** 49.471 (4g) of the statutes is created to read:

23 49.471 (4g) **MEDICAID EXPANSION; FEDERAL MEDICAL ASSISTANCE PERCENTAGE.** (a)  
24 For services provided to individuals described under sub. (4) (a) 4. and s. 49.45 (23),

1 the department shall comply with all federal requirements to qualify for the highest  
2 available enhanced federal medical assistance percentage. The department shall  
3 submit any amendment to the state medical assistance plan, request for a waiver of  
4 federal Medicaid law, or other approval request required by the federal government  
5 to provide services to the individuals described under sub. (4) (a) 4. and s. 49.45 (23)  
6 and qualify for the highest available enhanced federal medical assistance  
7 percentage.

8 (b) If the department does not qualify for an enhanced federal medical  
9 assistance percentage, or if the enhanced federal medical assistance percentage  
10 obtained by the department is lower than printed in federal law as of July 1, 2013,  
11 for individuals eligible under sub. (4) (a) 4. or s. 49.45 (23), the department shall  
12 submit to the joint committee on finance a fiscal analysis comparing the cost to  
13 maintain coverage for adults who are not pregnant and not elderly with family  
14 incomes up to 133 percent of the poverty line to the cost of limiting eligibility to those  
15 adults with family incomes up to 100 percent of the poverty line. The department  
16 may reduce income eligibility for adults who are not pregnant and not elderly from  
17 family incomes of up to 133 percent of the poverty line to family incomes of up to 100  
18 percent of the poverty line only if this reduction in income eligibility levels is  
19 approved by the joint committee on finance.”.

20 **13.** Page 531, line 15: after that line insert:

21 “**SECTION 933t.** 49.471 (4m) of the statutes is created to read:

22 49.471 (**4m**) PURCHASE OPTIONS FOR BADGERCARE PLUS AND THE ASSISTANCE FOR  
23 CHILDLESS ADULTS DEMONSTRATION PROJECT. (a) 1. The department shall, if required,  
24 request a waiver from or submit amendments to the state Medical Assistance plan

1 to the secretary of the federal department of health and human services to establish  
2 a program that allows individuals with income above the maximum income  
3 eligibility limit applicable under this section or the assistance for childless adults  
4 demonstration project under s. 49.45 (23), and who otherwise meet the eligibility  
5 requirements under this section or under s. 49.45 (23), the option of purchasing  
6 coverage through this section or through the demonstration project under s. 49.45  
7 (23) instead of purchasing an individual health plan through private insurance. The  
8 department shall also include a request for any federal waiver or state Medical  
9 Assistance plan amendments necessary to allow an option for small businesses to  
10 purchase coverage for their employees under this section as part of the small  
11 business health options program through an exchange under 42 USC 18031.

12 2. The department shall seek any federal waiver and state Medical Assistance  
13 plan amendments necessary to allow individuals who qualify under subd. 1. to use  
14 advanced tax credits and cost-sharing credits, if eligible, to purchase one of the  
15 options described under subd. 1.

16 (b) 1. The department shall coordinate the administration of the purchase  
17 options under this subsection with the programs under this section and s. 49.45 (23)  
18 to maximize efficiency and improve the continuity of care, consistent with the  
19 requirements of this section and s. 49.45 (23). The department shall seek to  
20 implement mechanisms to ensure the long-term financial sustainability of the  
21 programs under this section and s. 49.45 (23). These mechanisms must address  
22 issues related to minimizing adverse selection, the state financial risk and  
23 contribution, and negative impacts to premiums in the individual and group  
24 insurance markets.

1           2. The purchase option program shall include, at a minimum, all of the  
2 following attributes:

3           a. Establishment of an annual per enrollee premium rate similar to the average  
4 rate paid by the state to managed care plan contractors.

5           b. Establishment of a benefit set equal to the benefits covered under this section  
6 and s. 49.45 (23).

7           c. Annual enrollment that is limited to the same annual open enrollment  
8 periods established for the programs under this section and s. 49.45 (23).

9           d. The ability for the department to adjust the purchase option's actuarial value  
10 to a value no lower than 87 percent.

11           e. Reimbursement mechanisms for addressing potential increased costs to the  
12 programs under this section and s. 49.45 (23).

13           (c) By March 1, 2018, the department of health services shall submit a report  
14 to the appropriate standing committee in each house of the legislature under s.  
15 13.172 (3) that provides information on the status of the request for a federal waiver  
16 and the results from actuarial and economic analyses that are necessary for a waiver  
17 proposal.

18           (d) If any necessary waiver or amendments to the state plan described under  
19 par. (a) 1. are approved, the department shall implement the program. If the  
20 department is authorized to implement the program, and if any waiver or state plan  
21 amendment described under par. (a) 2. is necessary and is approved, or if the  
22 department determines neither a waiver nor state plan amendment is necessary, the  
23 department shall allow the purchase options described under par. (a) 2.”.

24           **14.** Page 563, line 2: after that line insert:



1           “**SECTION 983a.** 66.0137 (4) of the statutes, as affected by 2017 Wisconsin Act  
2           30, is amended to read:

3           66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
4           a village provides health care benefits under its home rule power, or if a town  
5           provides health care benefits, to its officers and employees on a self-insured basis,  
6           the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
7           632.728, 632.746 (1), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85,  
8           632.853, 632.855, 632.867, 632.87 (4) to (6), 632.885, 632.89, 632.895 (9) to (17),  
9           632.896, and 767.513 (4).”.

10           **15.** Page 563, line 2: after that line insert:

11           “**SECTION 983a.** 66.0137 (4) of the statutes, as affected by 2017 Wisconsin Act  
12           30, is amended to read:

13           66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
14           a village provides health care benefits under its home rule power, or if a town  
15           provides health care benefits, to its officers and employees on a self-insured basis,  
16           the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
17           632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,  
18           632.87 (4) to (6), 632.885, 632.89, 632.895 (9) (8) to (17), 632.896, and 767.513 (4).”.

19           **16.** Page 563, line 2: after that line insert:

20           “**SECTION 983a.** 66.0137 (4) of the statutes, as affected by 2017 Wisconsin Act  
21           30, is amended to read:

22           **66.0137 (4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
23           a village provides health care benefits under its home rule power, or if a town  
24           provides health care benefits, to its officers and employees on a self-insured basis,

1 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
2 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,  
3 632.87 (4) to (6), 632.883, 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513  
4 (4).”.

5 **17.** Page 831, line 3: after that line insert:

6 “**SECTION 1624k.** 120.13 (2) (g) of the statutes, as affected by 2017 Wisconsin  
7 Act 30, is amended to read:

8 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
9 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.728, 632.746 (1), 632.746 (10) (a) 2. and  
10 (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6),  
11 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).”.

12 **18.** Page 831, line 3: after that line insert:

13 “**SECTION 1624k.** 120.13 (2) (g) of the statutes, as affected by 2017 Wisconsin  
14 Act 30, is amended to read:

15 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
16 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),  
17 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.885, 632.89,  
18 632.895 (9) (8) to (17), 632.896, and 767.513 (4).”.

19 **19.** Page 831, line 3: after that line insert:

20 “**SECTION 1624k.** 120.13 (2) (g) of the statutes, as affected by 2017 Wisconsin  
21 Act 30, is amended to read:

22 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
23 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),

1 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.883, 632.885,  
2 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).”.

3 **20.** Page 857, line 18: after that line insert:

4 “**SECTION 1691am.** 185.983 (1) (intro.) of the statutes, as affected by 2017  
5 Wisconsin Act 30, is amended to read:

6 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a  
7 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to  
8 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,  
9 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,  
10 631.95, 632.72 (2), 632.728, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,  
11 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.885, 632.89, 632.895 (5) and  
12 (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but  
13 the sponsoring association shall.”.

14 **21.** Page 857, line 18: after that line insert:

15 “**SECTION 1691am.** 185.983 (1) (intro.) of the statutes is amended to read:

16 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a  
17 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to  
18 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,  
19 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,  
20 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,  
21 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.883, 632.885, 632.89, 632.895 (5) and  
22 (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645, and 646, but  
23 the sponsoring association shall.”.

24 **22.** Page 876, line 22: after that line insert:

1           “**SECTION 1791df.** 253.07 (title) of the statutes is amended to read:

2           **253.07 (title) Women’s health block grant; state family planning funds.**

3           **SECTION 1791dh.** 253.07 (6) of the statutes is created to read:

4           253.07 (6) STATE-FUNDED FAMILY PLANNING PROGRAM. (a) In this subsection:

5           1. “Federal funding prohibition” means an enacted federal law, a regulation,  
6           or an executive order or action that prohibits federal moneys from being paid by the  
7           state to or directly to a provider under Title X of the federal Public Health Service  
8           Act, 42 USC 300 to 300a-6, because of the scope of services offered by the provider  
9           or the scope of services for which the provider offers referrals.

10          2. “Nonpublic family planning provider” means an entity other than a public  
11          entity or governmental unit that is a provider of services for family planning and that  
12          is eligible to apply for grant funding under Title X of the federal Public Health Service  
13          Act, 42 USC 300 to 300a-6, on December 31, 2016.

14          (b) Notwithstanding sub. (5), if a nonpublic family planning provider becomes  
15          subject to a federal funding prohibition, the department shall establish a  
16          state-funded family planning program to ensure continuity of family planning  
17          services in the state and distribute state funds to any nonpublic family planning  
18          providers that are subject to a federal funding prohibition to be used to provide family  
19          planning services.”.

20          **23.** Page 925, line 14: after that line insert:

21          “**SECTION 2218s.** 625.02 (1) of the statutes is renumbered 625.02 (1m).

22          **SECTION 2218t.** 625.02 (1j) of the statutes is created to read:

23          625.02 (1j) “Health insurance” has the meaning given in s. 632.745 (12).

24          **SECTION 2218u.** 625.03 (1m) (intro.) of the statutes is amended to read:

1           625.03 **(1m)** (intro.) This Except as specifically provided otherwise in this  
2 chapter, this chapter applies to all kinds and lines of direct insurance written on risks  
3 or operations in this state by any insurer authorized to do business in this state,  
4 except:

5           **SECTION 2218v.** 625.13 (1) of the statutes is amended to read:

6           625.13 **(1)** FILING PROCEDURE. Except as provided in sub. (2) and s. 625.25 (2)  
7 (a), every authorized insurer and every rate service organization licensed under s.  
8 625.31 which has been designated by any insurer for the filing of rates under s.  
9 625.15 (2) shall file with the commissioner all rates and supplementary rate  
10 information and all changes and amendments thereof made by it for use in this state  
11 within 30 days after they become effective.

12           **SECTION 2218w.** 625.15 (2) of the statutes is amended to read:

13           625.15 **(2)** RATE FILING. An insurer may discharge its obligation under s. 625.13  
14 (1) or 625.25 (2) (a) by giving notice to the commissioner that it uses rates and  
15 supplementary rate information prepared by a designated rate service organization,  
16 with such information about modifications thereof as is necessary fully to inform the  
17 commissioner. The insurer's rates or proposed rates and supplementary rate  
18 information shall be those filed from time to time by the rate service organization,  
19 including any amendments or proposed amendments thereto as filed, subject,  
20 however, to the modifications filed by the insurer.

21           **SECTION 2218x.** 625.21 (1) of the statutes is amended to read:

22           625.21 **(1)** RULE INSTITUTING DELAYED EFFECT. If the commissioner finds that  
23 competition is not an effective regulator of the rates charged or that a substantial  
24 number of companies are competing irresponsibly through the rates charged, or that  
25 there are widespread violations of this chapter, in any kind or line of insurance or

1 subdivision thereof or in any rating class or rating territory, he or she may  
2 promulgate a rule requiring that in the kind or line of insurance or subdivision  
3 thereof or rating class or rating territory comprehended by the finding any  
4 subsequent changes in the rates or supplementary rate information be filed with the  
5 commissioner at least 15 days before they become effective. The commissioner may  
6 extend the waiting period for not to exceed 15 additional days by written notice to  
7 the filer before the first 15-day period expires. This subsection does not apply to  
8 health insurance, which is subject to s. 625.25 (2) (a).

9 **SECTION 2218y.** 625.22 (1) of the statutes is amended to read:

10 625.22 (1) ORDER IN EVENT OF VIOLATION. If the commissioner finds after a  
11 hearing that a rate or proposed rate is not in compliance with s. 625.11, the  
12 commissioner shall order that its use be discontinued, or that it may not be used, for  
13 any policy issued or renewed after a date specified in the order.

14 **SECTION 2218z.** 625.22 (3) of the statutes is amended to read:

15 625.22 (3) APPROVAL OF SUBSTITUTED RATE. ~~Within~~ Except for rates for health  
16 insurance, which is subject to s. 625.25 (2) (a), within one year after the effective date  
17 of an order under sub. (1), no rate promulgated to replace a disapproved one may be  
18 used until it has been filed with the commissioner and not disapproved within 30  
19 days thereafter.

20 **SECTION 2219b.** 625.23 of the statutes is amended to read:

21 **625.23 Special restrictions on individual insurers.** The commissioner  
22 may by order require that a particular insurer file any or all of its rates and  
23 supplementary rate information 15 days prior to their effective date, if and to the  
24 extent that he or she finds, after a hearing, that the protection of the interests of its  
25 insureds and the public in this state requires closer supervision of its rates because

1 of the insurer's financial condition or rating practices. The commissioner may extend  
2 the waiting period for any filing for not to exceed 15 additional days by written notice  
3 to the insurer before the first 15-day period expires. A filing not disapproved before  
4 the expiration of the waiting period shall be deemed to meet the requirements of this  
5 chapter, subject to the possibility of subsequent disapproval under s. 625.22. This  
6 section does not apply to an insurer with respect to rates for health insurance, which  
7 is subject to s. 625.25 (2) (a).

8 **SECTION 2219c.** 625.25 of the statutes is created to read:

9 **625.25 Rates for health insurance. (1) DEFINITIONS.** In this section:

10 (a) "Group health benefit plan" has the meaning given in s. 632.745 (9).

11 (b) "Health benefit plan" has the meaning given in s. 632.745 (11).

12 (c) "Insurer" has the meaning given in s. 632.745 (15).

13 (d) "Large group market" has the meaning given in s. 632.745 (17).

14 (e) "Small group market" has the meaning given in s. 632.745 (26).

15 **(2) FILING OF RATES; HEARING.** (a) Every insurer, and every rate service  
16 organization licensed under s. 625.31 that has been designated by any insurer for the  
17 filing of rates under s. 625.15 (2), shall file with the commissioner all proposed rates  
18 and supplementary rate information, and all proposed changes and amendments to  
19 rates and supplementary rate information, for use in this state for any health benefit  
20 plan offered by the insurer before the proposed rates or changes to rates become  
21 effective. An insurer may not use a proposed rate or change to a rate until it has been  
22 filed with and approved by the commissioner. Unless the commissioner holds a  
23 hearing on the proposed rate or change to a rate, a proposed rate or change to a rate  
24 is approved if the commissioner does not disapprove the proposed rate or change  
25 within 30 days after filing, or within a 30-day extension of that period ordered by the

1 commissioner prior to the expiration of the first 30 days. The requirement under this  
2 paragraph applies with respect to rates and changes to rates for all health benefit  
3 plans, including individual health benefit plans, group health benefit plans offered  
4 in the small group market, and group health benefit plans offered in the large group  
5 market, that have not gone into effect by the effective date of this paragraph .... [LRB  
6 inserts date].

7 (b) If any proposed change to a rate filed under par. (a) increases the existing  
8 rate by more than 10 percent of that rate, the commissioner shall hold a public  
9 hearing before approving or disapproving the proposed change to the rate.

10 (c) The commissioner may disapprove a proposed rate or change to a rate filed  
11 under par. (a) that the commissioner determines is not justified based on underlying  
12 medical costs.

13 **(3) PUBLICATION OF INCREASES, NEGOTIATED RATES.** (a) The commissioner shall  
14 publish on the office's Internet site, in a format that is readily understandable by  
15 members of the public, all rate changes filed under sub. (2) (a) that increase an  
16 existing rate by any amount and that are approved.

17 (b) If the commissioner approves a rate increase after holding a hearing under  
18 sub. (2) (b) and the insurer justified the rate increase based on increased medical  
19 costs, the commissioner shall publish on the office's Internet site, in a format that is  
20 readily understandable by members of the public, the discounted payment rates the  
21 insurer has negotiated with each of the insurer's provider networks.

22 **(4) NOTICE OF RATE INCREASE TO INSURED.** If the commissioner approves a rate  
23 increase filed under sub. (2) (a), the insurer shall provide notice of the rate increase  
24 to each insured under the health benefit plan at least 60 days before the rate increase  
25 goes into effect.”.



1           **24.** Page 925, line 14: after that line insert:

2           “**SECTION 2218u.** 609.713 of the statutes is created to read:

3           **609.713 Essential health benefits.** Defined network plans and preferred  
4 provider plans are subject to s. 632.895 (14m).

5           **SECTION 2218y.** 632.895 (14m) of the statutes is created to read:

6           632.895 (14m)   **ESSENTIAL HEALTH BENEFITS.** (a) In this subsection,  
7 “self-insured health plan” has the meaning given in s. 632.85 (1) (c).

8           (b) On a date specified by the commissioner, by rule, every disability insurance  
9 policy and every self-insured health plan shall provide coverage for essential health  
10 benefits as determined by the commissioner, by rule, subject to par. (c).

11           (c) In determining the essential health benefits for which coverage is required  
12 under par. (b), the commissioner shall do all of the following:

13           1. Include benefits, items, and services in, at least, all of the following  
14 categories:

15           a. Ambulatory patient services.

16           b. Emergency services.

17           c. Hospitalization.

18           d. Maternity and newborn care.

19           e. Mental health and substance use disorder services, including behavioral  
20 health treatment.

21           f. Prescription drugs.

22           g. Rehabilitative and habilitative services and devices.

23           h. Laboratory services.

24           i. Preventive and wellness services and chronic disease management.

1           j. Pediatric services, including oral and vision care.

2           2. Conduct a survey of employer-sponsored coverage to determine benefits  
3 typically covered by employers and ensure that the scope of essential health benefits  
4 for which coverage is required under this subsection is equal to the scope of benefits  
5 covered under a typical disability insurance policy offered by an employer to its  
6 employees.

7           3. Ensure that essential health benefits reflect a balance among the categories  
8 described in subd. 1. such that benefits are not unduly weighted toward one category.

9           4. Ensure that essential health benefit coverage is provided with no or limited  
10 cost-sharing requirements.

11           5. Require that disability insurance policies and self-insured health plans do  
12 not make coverage decisions, determine reimbursement rates, establish incentive  
13 programs, or design benefits in ways that discriminate against individuals because  
14 of their age, disability, or expected length of life.

15           6. Establish essential health benefits in a way that takes account of the health  
16 care needs of diverse segments of the population, including women, children, persons  
17 with disabilities, and other groups.

18           7. Ensure that essential health benefits established under this subsection not  
19 be subject to a coverage denial based on an insured's or plan participant's age,  
20 expected length of life, present or predicted disability, degree of dependency on  
21 medical care, or quality of life.

22           8. Require that disability insurance policies and self-insured health plans  
23 cover emergency department services that are essential health benefits without  
24 imposing any requirement to obtain prior authorization for those services and  
25 without limiting coverage for services provided by an emergency services provider

1 that is not in the provider network of a policy or plan in a way that is more restrictive  
2 than requirements or limitations that apply to emergency services provided by a  
3 provider that is in the provider network of the policy or plan.

4 9. Require a disability insurance policy or self-insured health plan to apply to  
5 emergency department services that are essential health benefits provided by an  
6 emergency department provider that is not in the provider network of the policy or  
7 plan the same copayment amount or coinsurance rate that applies if those services  
8 are provided by a provider that is in the provider network of the policy or plan.

9 (d) The commissioner shall periodically update, by rule, the essential health  
10 benefits under this subsection to address any gaps in access to coverage.

11 (e) If an essential health benefit is also subject to mandated coverage elsewhere  
12 under this section and the coverage requirements are not identical, the disability  
13 insurance policy or self-insured health plan shall provide coverage under whichever  
14 subsection provides the insured or plan participant with more comprehensive  
15 coverage of the medical condition, item, or service.

16 (f) Nothing in this subsection or rules promulgated under this subsection  
17 prohibits a disability insurance policy or a self-insured health plan from providing  
18 benefits in excess of the essential health benefit coverage required under this  
19 subsection.”.

20 **25.** Page 925, line 14: after that line insert:

21 “SECTION 2218t. 609.847 of the statutes is created to read:

22 **609.847 Preexisting condition discrimination prohibited.** Limited  
23 service health organizations, preferred provider plans, and defined network plans  
24 are subject to s. 632.728.

1           **SECTION 2218w.** 625.12 (1) (a) of the statutes is amended to read:

2           625.12 (1) (a) Past and prospective loss and expense experience within and  
3 outside of this state, except as provided in s. 632.728.

4           **SECTION 2218y.** 625.12 (1) (e) of the statutes is amended to read:

5           625.12 (1) (e) Subject to ~~s.~~ ss. 632.365 and 632.728, all other relevant factors,  
6 including the judgment of technical personnel.

7           **SECTION 2219b.** 625.12 (2) of the statutes is amended to read:

8           625.12 (2) CLASSIFICATION. ~~Risks~~ Except as provided in s. 632.728, risks may  
9 be classified in any reasonable way for the establishment of rates and minimum  
10 premiums, except that no classifications may be based on race, color, creed or  
11 national origin, and classifications in automobile insurance may not be based on  
12 physical condition or developmental disability as defined in s. 51.01 (5). Subject to  
13 ~~s.~~ ss. 632.365 and 632.728, rates thus produced may be modified for individual risks  
14 in accordance with rating plans or schedules that establish reasonable standards for  
15 measuring probable variations in hazards, expenses, or both. Rates may also be  
16 modified for individual risks under s. 625.13 (2).

17           **SECTION 2219d.** 625.15 (1) of the statutes is amended to read:

18           625.15 (1) RATE MAKING. ~~An~~ Except as provided in s. 632.728, an insurer may  
19 itself establish rates and supplementary rate information for one or more market  
20 segments based on the factors in s. 625.12 and, if the rates are for motor vehicle  
21 liability insurance, subject to s. 632.365, or the insurer may use rates and  
22 supplementary rate information prepared by a rate service organization, with  
23 average expense factors determined by the rate service organization or with such  
24 modification for its own expense and loss experience as the credibility of that  
25 experience allows.

1           **SECTION 2219f.** 628.34 (3) (a) of the statutes is amended to read:

2           628.34 (3) (a) No insurer may unfairly discriminate among policyholders by  
3 charging different premiums or by offering different terms of coverage except on the  
4 basis of classifications related to the nature and the degree of the risk covered or the  
5 expenses involved, subject to ss. 632.365, 632.728, 632.746 and 632.748. Rates are  
6 not unfairly discriminatory if they are averaged broadly among persons insured  
7 under a group, blanket or franchise policy, and terms are not unfairly discriminatory  
8 merely because they are more favorable than in a similar individual policy.

9           **SECTION 2219h.** 632.728 of the statutes is created to read:

10           **632.728 Premiums and cost-sharing discrimination prohibited for**  
11 **preexisting conditions. (1) DEFINITION.** In this section:

12           (a) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

13           (b) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

14           **(2) PROHIBITION.** For the purpose of setting rates or premiums for coverage  
15 under a group or individual disability insurance policy or a self-insured health plan  
16 and for the purpose of setting any deductibles, copayments, or coinsurance under a  
17 group or individual disability insurance policy or a self-insured health plan, the  
18 policy or plan may not consider whether an individual, including a dependent, who  
19 would be covered under the plan has a preexisting condition.

20           **SECTION 2219j.** 632.746 (1) (a) of the statutes is renumbered 632.746 (1) and  
21 amended to read:

22           632.746 (1) ~~Subject to subs. (2) and (3), an An insurer that offers a group health~~  
23 ~~benefit plan may, with respect to a participant or beneficiary under the plan, not~~  
24 ~~impose a preexisting condition exclusion only if the exclusion relates to a condition,~~  
25 ~~whether physical or mental, regardless of the cause of the condition, for which~~

1 ~~medical advice, diagnosis, care or treatment was recommended or received within~~  
2 ~~the 6-month period ending on the participant's or beneficiary's enrollment date~~  
3 ~~under the plan on a participant or beneficiary under the plan.~~

4 **SECTION 2219n.** 632.746 (1) (b) of the statutes is repealed.

5 **SECTION 2219p.** 632.746 (2) (a) of the statutes is amended to read:

6 632.746 (2) (a) An insurer offering a group health benefit plan may not treat  
7 genetic information as a preexisting condition under sub. (1) ~~without a diagnosis of~~  
8 ~~a condition related to the information.~~

9 **SECTION 2219r.** 632.746 (2) (c), (d) and (e) of the statutes are repealed.

10 **SECTION 2219t.** 632.746 (3) (a) of the statutes is repealed.

11 **SECTION 2219v.** 632.746 (3) (d) 1. of the statutes is renumbered 632.746 (3) (d).

12 **SECTION 2219x.** 632.746 (3) (d) 2. and 3. of the statutes are repealed.

13 **SECTION 2219z.** 632.746 (5) of the statutes is repealed.

14 **SECTION 2220b.** 632.746 (8) (a) (intro.) of the statutes is amended to read:

15 632.746 (8) (a) (intro.) A health maintenance organization that offers a group  
16 health benefit plan ~~and that does not impose any preexisting condition exclusion~~  
17 ~~under sub. (1)~~ with respect to a particular coverage option may impose an affiliation  
18 period for that coverage option, but only if all of the following apply:

19 **SECTION 2220d.** 632.76 (2) (a) and (ac) 1. and 2. of the statutes are amended  
20 to read:

21 632.76 (2) (a) No claim for loss incurred or disability commencing after 2 years  
22 from the date of issue of the policy may be reduced or denied on the ground that a  
23 disease or physical condition existed prior to the effective date of coverage, unless the  
24 condition was excluded from coverage by name or specific description by a provision  
25 effective on the date of loss. This paragraph does not apply to a group health benefit

1 plan, as defined in s. 632.745 (9), which is subject to s. 632.746, a disability insurance  
2 policy, as defined in s. 632.895 (1) (a), or a self-insured health plan, as defined in s.  
3 632.85 (1) (c).

4 (ac) 1. ~~Notwithstanding par. (a), no~~ No claim or loss incurred or disability  
5 commencing ~~after 12 months from the date of issue of~~ under an individual disability  
6 insurance policy, as defined in s. 632.895 (1) (a), may be reduced or denied on the  
7 ground that a disease or physical condition existed prior to the effective date of  
8 coverage, ~~unless the condition was excluded from coverage by name or specific~~  
9 ~~description by a provision effective on the date of the loss.~~

10 2. ~~Except as provided in subd. 3., an~~ An individual disability insurance policy,  
11 as defined in s. 632.895 (1) (a), ~~other than a short-term policy subject to s. 632.7495~~  
12 ~~(4) and (5),~~ may not define a preexisting condition more restrictively than a condition,  
13 whether physical or mental, regardless of the cause of the condition, for which  
14 medical advice, diagnosis, care, or treatment was recommended or received ~~within~~  
15 ~~12 months before the effective date of coverage.~~

16 **SECTION 2220f.** 632.76 (2) (ac) 3. of the statutes is repealed.

17 **SECTION 1.** 632.795 (4) (a) of the statutes is amended to read:

18 632.795 (4) (a) An insurer subject to sub. (2) shall provide coverage under the  
19 same policy form and for the same premium as it originally offered in the most recent  
20 enrollment period, subject only to the medical underwriting used in that enrollment  
21 period. Unless otherwise prescribed by rule, the insurer may apply deductibles,  
22 ~~preexisting condition limitations,~~ waiting periods, or other limits only to the extent  
23 that they would have been applicable had coverage been extended at the time of the  
24 most recent enrollment period and with credit for the satisfaction or partial  
25 satisfaction of similar provisions under the liquidated insurer's policy or plan. The

1 insurer may exclude coverage of claims that are payable by a solvent insurer under  
2 insolvency coverage required by the commissioner or by the insurance regulator of  
3 another jurisdiction. Coverage shall be effective on the date that the liquidated  
4 insurer's coverage terminates.

5 **SECTION 2220h.** 632.897 (11) (a) of the statutes is amended to read:

6 632.897 (11) (a) Notwithstanding subs. (2) to (10), the commissioner may  
7 promulgate rules establishing standards requiring insurers to provide continuation  
8 of coverage for any individual covered at any time under a group policy who is a  
9 terminated insured or an eligible individual under any federal program that  
10 provides for a federal premium subsidy for individuals covered under continuation  
11 of coverage under a group policy, including rules governing election or extension of  
12 election periods, notice, rates, premiums, premium payment, ~~application of~~  
13 ~~preexisting condition exclusions~~, election of alternative coverage, and status as an  
14 eligible individual, as defined in s. 149.10 (2t), 2011 stats.”.

15 **26.** Page 925, line 14: after that line insert:

16 “**SECTION 2218t.** 609.896 of the statutes is created to read:

17 **609.896 Preventive services.** Defined network plans and preferred provider  
18 plans are subject to s. 632.895 (13m).

19 **SECTION 2218w.** 632.895 (8) (d) of the statutes is amended to read:

20 632.895 (8) (d) Coverage is required under this subsection despite whether the  
21 woman shows any symptoms of breast cancer. Except as provided in pars. (b), (c), and  
22 (e), coverage under this subsection may only be subject to exclusions and limitations,  
23 including deductibles, copayments and restrictions on excessive charges, that are  
24 applied to other radiological examinations covered under the disability insurance



1 policy. Coverage under this subsection may not be subject to any deductibles,  
2 copayments, or coinsurance.

3 **SECTION 2219b.** 632.895 (13m) of the statutes is created to read:

4 632.895 (13m) PREVENTIVE SERVICES. (a) In this section, “self-insured health  
5 plan” has the meaning given in s. 632.85 (1) (c).

6 (b) Every disability insurance policy and every self-insured health plan shall  
7 provide coverage for all of the following preventive services:

8 1. Mammography in accordance with sub. (8).

9 2. Genetic breast cancer screening and counseling and preventive medication  
10 for adult women at high risk for breast cancer.

11 3. Papanicolaou test for cancer screening for women 21 years of age or older  
12 with an intact cervix.

13 4. Human papillomavirus testing for women who have attained the age of 30  
14 years but have not attained the age of 66 years.

15 5. Colorectal cancer screening in accordance with sub. (16m).

16 6. Annual tomography for lung cancer screening for adults who have attained  
17 the age of 55 years but have not attained the age of 80 years and who have health  
18 histories demonstrating a risk for lung cancer.

19 7. Skin cancer screening for individuals who have attained the age of 10 years  
20 but have not attained the age of 22 years.

21 8. Counseling for skin cancer prevention for adults who have attained the age  
22 of 18 years but have not attained the age of 25 years.

23 9. Abdominal aortic aneurysm screening for men who have attained the age of  
24 65 years but have not attained the age of 75 years and who have ever smoked.

1           10. Hypertension screening for adults and blood pressure testing for adults, for  
2 children under the age of 3 years who are at high risk for hypertension, and for  
3 children 3 years of age or older.

4           11. Lipid disorder screening for minors 2 years of age or older, high risk women  
5 20 years of age or older, men age 20 years of age or older at high risk for lipid  
6 disorders, and all men 35 years of age or older.

7           12. Aspirin therapy for cardiovascular health for adults who have attained the  
8 age of 55 years but have not attained the age of 80 years and for men who have  
9 attained the age of 45 years but have not attained the age of 55 years.

10          13. Behavioral counseling for cardiovascular health for adults who are  
11 overweight or obese and who have risk factors for cardiovascular disease.

12          14. Type II diabetes screening for adults with elevated blood pressure.

13          15. Depression screening for minors 11 years of age or older and for adults when  
14 follow-up supports are available.

15          16. Hepatitis B screening for minors at high risk for infection and adults at high  
16 risk for infection.

17          17. Hepatitis C screening for adults at high risk for infection and one time  
18 hepatitis C screening for adults born in 1945 to 1965.

19          18. Obesity screening and management for all minors and adults with a body  
20 mass index indicating obesity, counseling and behavioral interventions for obese  
21 minors who are 6 years of age or older, and referral for intervention for obesity for  
22 adults with a body mass index of 30 kilograms per square meter or higher.

23          19. Osteoporosis screening for all women 65 years of age or older and for women  
24 at high risk for osteoporosis under the age of 65 years.

25          20. Immunizations in accordance with sub. (14).

1           21. Anemia screening for individuals 6 months of age or older and iron  
2 supplements for individuals at high risk for anemia and who have attained the age  
3 of 6 months but have not attained the age of 12 months.

4           22. Fluoride varnish for prevention of tooth decay for minors at the age of  
5 eruption of their primary teeth.

6           23. Fluoride supplements for prevention of tooth decay for minors 6 months of  
7 age or older who do not have fluoride in their water source.

8           24. Gonorrhea prophylaxis treatment for newborns.

9           25. Health history and physical exams for prenatal visits and for minors.

10          26. Length and weight measurements for newborns and height and weight  
11 measurements for minors.

12          27. Head circumference and weight for length measurements for newborns and  
13 minors who have not attained the age of 3 years.

14          28. Body mass index for minors 2 years of age or older.

15          29. Blood pressure measurements for minors 3 years of age or older and a blood  
16 pressure risk assessment at birth.

17          30. Risk assessment and referral for oral health issues for minors who have  
18 attained the age of 6 months but have not attained the age of 7 years.

19          31. Blood screening for newborns and minors who have not attained age 2  
20 months.

21          32. Screening for critical congenital health defect for newborns.

22          33. Lead screenings in accordance with sub. (10).

23          34. Metabolic and hemoglobin screening and screening for phenylketonuria,  
24 sickle cell anemia, and congenital hypothyroidism for minors including newborns.

1           35. Tuberculin skin test based on risk assessment for minors one month of age  
2 or older.

3           36. Tobacco counseling and cessation interventions for individuals who are 5  
4 years of age or older.

5           37. Vision and hearing screening and assessment for minors including  
6 newborns.

7           38. Sexually transmitted infection and human immunodeficiency virus  
8 counseling for sexually active minors.

9           39. Risk assessment for sexually transmitted infection for minors who are 10  
10 years of age or older and screening for sexually transmitted infection for minors who  
11 are 16 years of age or older.

12           40. Alcohol misuse screening and counseling for minors 11 years of age or older.

13           41. Autism screening for minors who have attained the age of 18 months but  
14 have not attained the age of 25 months.

15           42. Developmental screening and surveillance for minors including newborns.

16           43. Psychosocial and behavioral assessment for minors including newborns.

17           44. Alcohol misuse screening and counseling for pregnant adults and a risk  
18 assessment for all adults.

19           45. Fall prevention and counseling and preventive medication for fall  
20 prevention for community-dwelling adults 65 years of age or older.

21           46. Screening and counseling for intimate partner violence for adult women.

22           47. Well-woman visits for women who have attained the age of 18 years but  
23 have not attained the age of 65 years and well-woman visits for recommended  
24 preventive services, preconception care, and prenatal care.

1           48. Counseling on, consultations with a trained provider on, and equipment  
2 rental for breastfeeding for pregnant and lactating women.

3           49. Folic acid supplement for adult women with reproductive capacity.

4           50. Iron deficiency anemia screening for pregnant and lactating women.

5           51. Preeclampsia preventive medicine for pregnant adult women at high risk  
6 for preeclampsia.

7           52. Low-dose aspirin after 12 weeks of gestation for pregnant women at high  
8 risk for miscarriage, preeclampsia, or clotting disorders.

9           53. Screenings for hepatitis B and bacteriuria for pregnant women.

10          54. Screening for gonorrhea for pregnant and sexually active females 24 years  
11 of age or younger and females older than 24 years of age who are at risk for infection.

12          55. Screening for chlamydia for pregnant and sexually active females 24 years  
13 of age and younger and females older than 24 years of age who are at risk for  
14 infection.

15          56. Screening for syphilis for pregnant women and adults who are at high risk  
16 for infection.

17          57. Human immunodeficiency virus screening for adults who have attained the  
18 age of 15 years but have not attained the age of 66 years and individuals at high risk  
19 of infection who are younger than 15 years of age or older than 65 years of age.

20          58. All contraceptives and services in accordance with sub. (17).

21          59. Any services not already specified under this paragraph having an A or B  
22 rating in current recommendations from the U.S. Preventive Services Task Force.

23          60. Any preventive services not already specified under this paragraph that are  
24 recommended by the federal health resources and services administration's Bright  
25 Futures project.

1           61. Any immunizations, not already specified under sub. (14), that are  
2 recommended and determined to be for routine use by the Advisory Committee on  
3 Immunization Practices.

4           (c) Subject to par. (d), no disability insurance policy and no self-insured health  
5 plan may subject the coverage of any of the preventive services under par. (b) to any  
6 deductibles, copayments, or coinsurance under the policy or plan.

7           (d) 1. If an office visit and a preventive service specified under par. (b) are billed  
8 separately by the health care provider, the disability insurance policy or self-insured  
9 health plan may apply deductibles to and impose copayments or coinsurance on the  
10 office visit but not on the preventive service.

11           2. If the primary reason for an office visit is not to obtain a preventive service,  
12 the disability insurance policy or self-insured health plan may apply deductibles to  
13 and impose copayments or coinsurance on the office visit.

14           3. If a preventive service specified under par. (b) is provided by a health care  
15 provider that is outside the disability insurance policy's or self-insured health plan's  
16 network of providers, the policy or plan may apply deductibles to and impose  
17 copayments or coinsurance on the office visit and the preventive service. If a  
18 preventive service specified under par. (b) is provided by a health care provider that  
19 is outside the disability insurance policy's or self-insured health plan's network of  
20 providers because there is no available health care provider in the policy's or plan's  
21 network of providers that provides the preventive service, the policy or plan may not  
22 apply deductibles to or impose copayments or coinsurance on preventive service.

23           4. If multiple well-woman visits described under par. (b) 47. are required to  
24 fulfill all necessary preventive services and are in accordance with clinical  
25 recommendations, the disability insurance policy or self-insured health plan may

1 not apply a deductible or impose a copayment or coinsurance to any of those  
2 well-woman visits.

3 **SECTION 2219d.** 632.895 (14) (a) 1. i. and j. of the statutes are amended to read:

4 632.895 (14) (a) 1. i. Hepatitis A and B.

5 j. Varicella and herpes zoster.

6 **SECTION 2219f.** 632.895 (14) (a) 1. k. to o. of the statutes are created to read:

7 632.895 (14) (a) 1. k. Human papillomavirus.

8 L. Meningococcal meningitis.

9 m. Pneumococcal pneumonia.

10 n. Influenza.

11 o. Rotavirus.

12 **SECTION 2219h.** 632.895 (14) (b) of the statutes is amended to read:

13 632.895 (14) (b) Except as provided in par. (d), every disability insurance policy,  
14 and every self-insured health plan of the state or a county, city, town, village, or  
15 school district, that provides coverage for a dependent of the insured shall provide  
16 coverage of appropriate and necessary immunizations, ~~from birth to the age of 6~~  
17 ~~years, for an insured or plan participant, including a dependent who is a child of the~~  
18 ~~insured or plan participant.~~

19 **SECTION 2219j.** 632.895 (14) (c) of the statutes is amended to read:

20 632.895 (14) (c) The coverage required under par. (b) may not be subject to any  
21 deductibles, copayments, or coinsurance under the policy or plan. ~~This paragraph~~  
22 ~~applies to a defined network plan, as defined in s. 609.01 (1b), only with respect to~~  
23 ~~appropriate and necessary immunizations provided by providers participating, as~~  
24 ~~defined in s. 609.01 (3m), in the plan.~~

25 **SECTION 2219m.** 632.895 (14) (d) 3. of the statutes is amended to read:

1           632.895 (14) (d) 3. A health care plan offered by a limited service health  
2 organization, as defined in s. 609.01 (3), ~~or by a preferred provider plan, as defined~~  
3 ~~in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b).~~

4           **SECTION 2219p.** 632.895 (16m) (b) of the statutes is amended to read:

5           632.895 (16m) (b) The coverage required under this subsection may be subject  
6 to any limitations, or exclusions, ~~or cost-sharing provisions~~ that apply generally  
7 under the disability insurance policy or self-insured health plan. The coverage  
8 required under this subsection may not be subject to any deductibles, copayments,  
9 or coinsurance.

10          **SECTION 2219r.** 632.895 (17) (b) 2. of the statutes is amended to read:

11          632.895 (17) (b) 2. Outpatient consultations, examinations, procedures, and  
12 medical services that are necessary to prescribe, administer, maintain, or remove a  
13 contraceptive, ~~if covered for any other drug benefits under the policy or plan~~  
14 sterilization procedures, and patient education and counseling for all females with  
15 reproductive capacity.

16          **SECTION 2219t.** 632.895 (17) (c) of the statutes is amended to read:

17          632.895 (17) (c) Coverage under par. (b) may be subject only to the exclusions,  
18 and limitations, ~~or cost-sharing provisions~~ that apply generally to the coverage of  
19 outpatient health care services, preventive treatments and services, or prescription  
20 drugs and devices that is provided under the policy or self-insured health plan. A  
21 disability insurance policy or self-insured health plan may not apply a deductible or  
22 impose a copayment or coinsurance to at least one of each type of contraceptive  
23 method approved by the federal food and drug administration for which coverage is  
24 required under this subsection. The disability insurance policy or self-insured  
25 health plan may apply reasonable medical management to a method of contraception



1 to limit coverage under this subsection that is provided without being subject to a  
2 deductible, copayment, or coinsurance to prescription drugs without a brand name.  
3 The disability insurance policy or self-insured health plan may apply a deductible  
4 or impose a copayment or coinsurance for coverage of a contraceptive that is  
5 prescribed for a medical need if the services for the medical need would otherwise be  
6 subject to a deductible, copayment, or coinsurance.”.

7 **27.** Page 925, line 14: after that line insert:

8 “SECTION 2218s. 609.845 of the statutes is created to read:

9 **609.845 Lifetime and annual limits.** Limited service health organizations,  
10 preferred provider plans, and defined network plans are subject to s. 632.883.

11 **SECTION 2218x.** 632.883 of the statutes is created to read:

12 **632.883 Lifetime and annual limits. (1)** No group or individual disability  
13 insurance policy, as defined in s. 632.895 (1) (a), and no self-insured health plan, as  
14 defined in s. 632.745 (24), may impose a lifetime limit on the dollar value of benefits  
15 provided under the policy or plan.

16 **(2)** No group or individual disability insurance policy, as defined in s. 632.895  
17 (1) (a), and no self-insured health plan, as defined in s. 632.745 (24), may impose an  
18 annual limit on the dollar value of benefits under the policy or plan.”.

19 **28.** Page 1015, line 10: after that line insert:

20 “(5r) EXTENSION OF PRESCRIPTION DRUG ASSISTANCE FOR ELDERLY. The department  
21 of health services shall request from the federal secretary of health and human  
22 services any waiver of federal medicaid laws necessary to permit the department of  
23 health services to continue administering the program under section 49.688 of the

1 statutes for 4 years from the date the waiver under this subsection is granted. The  
2 department shall implement any waiver received under this subsection.”.

3 **29.** Page 1015, line 10: after that line insert:

4 “(5p) MEDICAL ASSISTANCE NONEMERGENCY MEDICAL TRANSPORTATION.

5 (b) The department of health services shall, to the extent permitted by the  
6 contract, modify the contract that is in effect on the effective date of this paragraph  
7 for the arrangement and reimbursement of nonemergency medical transportation  
8 services to recipients of Medical Assistance under subchapter IV of chapter 49 of the  
9 statutes to exclude recipients of Medical Assistance residing in Buffalo, Eau Claire,  
10 Jefferson, Kenosha, Milwaukee, Ozaukee, Pepin, Racine, Rock, Trempealeau,  
11 Walworth, Washington, and Waukesha counties from that contract unless the county  
12 chooses to remain under the original contract.

13 (c) If the department of health services modifies the contract under paragraph  
14 (b), the department of health services shall make alternative arrangements with  
15 counties, health maintenance organizations, or transportation providers to provide  
16 nonemergency medical transportation services to Medical Assistance recipients who  
17 reside in the counties specified in paragraph (b), except any county that chooses to  
18 remain under the original contract, no later than January 1, 2019. The department  
19 of health services shall include in any contract for alternative arrangements under  
20 this paragraph a requirement that the nonemergency medical transportation  
21 provider submit to the department of health services information substantially  
22 similar to the information required under the original contract including trip log  
23 data, summary information on all calls for services and contacts with Medical  
24 Assistance recipients, encounter data based on Centers for Medicare and Medicaid

1 Services 1500 claim form data, network provider information, accident and moving  
2 violation reports, vehicle reports, complaint summary reports, telecommunications  
3 system reports, annual fiscal audit reports, and daily reports including numbers of  
4 trips, canceled trips, denied trips, and complaints.”.

5 **30.** Page 1015, line 10: after that line insert:

6 “(5t) INCREASING MEDICAL ASSISTANCE REIMBURSEMENT RATES FOR PERSONAL CARE  
7 SERVICES. The department of health services shall increase the reimbursement rates  
8 15 percent under the Medical Assistance program for the 2017-18 biennium for  
9 personal care services providers and shall increase the reimbursement rates 15  
10 percent under the Medical Assistance program for the 2018-19 biennium for  
11 personal care services providers.

12 (5v) INCREASING MEDICAL ASSISTANCE REIMBURSEMENT RATES FOR NURSING HOMES.  
13 The department of health services shall increase the reimbursement rates 5 percent  
14 under the Medical Assistance program for the 2017-18 biennium for nursing homes  
15 and shall increase the reimbursement rates 5 percent under the Medical Assistance  
16 program for the 2018-19 biennium for nursing homes.”.

17 **31.** Page 1016, line 20: after that line insert:

18 “(7g) INCREASING MEDICAL ASSISTANCE REIMBURSEMENT RATES. The department  
19 of health services shall increase the reimbursement rates 12 percent under the  
20 Medical Assistance program for dates of service on and after January 1, 2017, for  
21 noninstitutional providers who are not personal care services providers, hospitals,  
22 nursing homes, or providers of services for which reimbursement is made on a basis  
23 other than a maximum fee schedule.”.

24 **32.** Page 1065, line 18: after that line insert:

1           “(1e) PREEXISTING CONDITIONS.

2           (d) For policies and plans containing inconsistent provisions, the treatment of  
3 sections 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.847,  
4 625.12 (1) (a) and (e) and (2), 625.15 (1), 628.34 (3) (a), 632.728, 632.746 (1) (a) and  
5 (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2. and 3., (5), and (8) (a) (intro.), 632.76  
6 (2) (a) and (ac) 1., 2., and 3., 632.795 (4) (a), and 632.897 (11) (a) of the statutes first  
7 applies to policy or plan years beginning on January 1 of the year following the year  
8 in which this paragraph takes effect, except as provided in paragraph (e).

9           (e) For policies or plans that are affected by a collective bargaining agreement  
10 containing inconsistent provisions, the treatment of sections 40.51 (8), 40.51 (8m),  
11 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.847, 625.12 (1) (a) and (e) and (2),  
12 625.15 (1), 628.34 (3) (a), 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3)  
13 (a) and (d) 1., 2. and 3., (5), and (8) (a) (intro.), 632.76 (2) (a) and (ac) 1., 2., and 3.,  
14 632.795 (4) (a), and 632.897 (11) (a) of the statutes first applies to policy or plan years  
15 beginning on the effective date of this paragraph or on the day on which the collective  
16 bargaining agreement is newly established, extended, modified, or renewed,  
17 whichever is later.”.

18           **33.** Page 1065, line 18: after that line insert:

19           “(1d) PREVENTIVE SERVICES.

20           (f) For policies and plans containing inconsistent provisions, the treatment of  
21 sections 40.51 (8m), 66.0137 (4), 120.13 (2) (g), 609.896, 632.895 (8) (d), (13m), (14)  
22 (a) 1. i., j., and k. to o., (b), (c), and (d) 3., (16m) (b), and (17) (b) 2. and (c) of the statutes  
23 first applies to policy or plan years beginning on January 1 of the year following the  
24 year in which this paragraph takes effect, except as provided in paragraph (g).

1 (g) For policies and plans that are affected by a collective bargaining agreement  
2 containing inconsistent provisions, the treatment of sections 40.51 (8m), 66.0137 (4),  
3 120.13 (2) (g), 609.896, 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c), and  
4 (d) 3., (16m) (b), and (17) (b) 2. and (c) of the statutes first applies to policy or plan  
5 years beginning on the effective date of this paragraph or on the day on which the  
6 collective bargaining agreement is newly established, extended, modified, or  
7 renewed, whichever is later.”

8 **34.** Page 1065, line 18: after that line insert:

9 “(1f) LIFETIME AND ANNUAL LIMITS.

10 (h) For policies and plans containing provisions inconsistent with this act, the  
11 treatment of sections 40.51 (8) and (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1)  
12 (intro.), 609.845, and 632.883 of the statutes first applies to policy or plan years  
13 beginning on January 1 of the year following the year in which this paragraph takes  
14 effect, except as provided in paragraph (i).

15 (i) For policies or plans that are affected by a collective bargaining agreement  
16 containing provisions inconsistent with this act, the treatment of sections 40.51 (8)  
17 and (8m), 66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.845, and 632.883 of the  
18 statutes first applies to policy or plan years beginning on the effective date of this  
19 paragraph or on the day on which the collective bargaining agreement is newly  
20 established, extended, modified, or renewed, whichever is later.”

21 **35.** Page 1080, line 17: after that line insert:

22 “(7g) MEDICAID EXPANSION. The treatment of sections 49.45 (23) (a) and 49.471  
23 (1) (cr), (4) (a) 4. b., and (4g) of the statutes take effect on January 1, 2018, or on the  
24 day after publication, whichever is later.”

1           **36.** Page 1080, line 24: after that line insert:

2           “(2e) PREEXISTING CONDITIONS. This act 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13  
3           (2) (g), 185.983 (1) (intro.), 609.847, 625.12 (1) (a) and (e) and (2), 625.15 (1), 628.34  
4           (3) (a), 632.728, 632.746 (1) (a) and (b), (2) (a), (c), (d), and (e), (3) (a) and (d) 1., 2. and  
5           3., (5), and (8) (a) (intro.), 632.76 (2) (a) and (ac) 1., 2., and 3., 632.795 (4) (a), and  
6           632.897 (11) (a) of the statutes and SECTION 9324 (1e) take effect on the first day of  
7           the 4th month beginning after publication.”.

8           **37.** Page 1080, line 24: after that line insert:

9           “(2d) PREVENTIVE SERVICES. The treatment of sections 40.51 (8m), 66.0137 (4),  
10           120.13 (2) (g), 609.896, 632.895 (8) (d), (13m), (14) (a) 1. i., j., and k. to o., (b), (c), and  
11           (d) 3., (16m) (b), and (17) (b) 2. and (c) of the statutes and SECTION 9324 (1d) of this  
12           act takes effect on the first day of the 4th month beginning after publication.”.

13           **38.** Page 1080, line 24: after that line insert:

14           “(2f) LIFETIME AND ANNUAL LIMITS. The treatment of sections 40.51 (8) and (8m),  
15           66.0137 (4), 120.13 (2) (g), 185.983 (1) (intro.), 609.845, and 632.883 of the statutes  
16           and SECTION 9324 (1f) of this act take effect on the first day of the 4th month  
17           beginning after publication.”.

18           **39.** At the appropriate places, insert all of the following:

19           “**SECTION 1ab.** 1.12 (1) (b) of the statutes is amended to read:

20           1.12 (1) (b) “State agency” means an office, department, agency, institution of  
21           higher education, the legislature, a legislative service agency, the courts, a judicial  
22           branch agency, an association, society, or other body in state government that is  
23           created or authorized to be created by the constitution or by law, for which

1 appropriations are made by law, excluding the Badger Health Benefit Authority and  
2 the Wisconsin Economic Development Corporation.

3 **SECTION 1ac.** 13.172 (1) of the statutes is amended to read:

4 13.172 (1) In this section, “agency” means an office, department, agency,  
5 institution of higher education, association, society, or other body in state  
6 government created or authorized to be created by the constitution or any law, that  
7 is entitled to expend moneys appropriated by law, including the legislature and the  
8 courts, and any authority created in subch. II of ch. 114 or subch. III of ch. 636 or in  
9 ch. 231, 233, 234, 238, or 279.

10 **SECTION 1ad.** 13.62 (2) of the statutes is amended to read:

11 13.62 (2) “Agency” means any board, commission, department, office, society,  
12 institution of higher education, council, or committee in the state government, or any  
13 authority created in subch. II of ch. 114 or subch. III of ch. 636 or in ch. 231, 232, 233,  
14 234, 237, 238, or 279, except that the term does not include a council or committee  
15 of the legislature.

16 **SECTION 1ae.** 13.94 (1) (dj) of the statutes is created to read:

17 13.94 (1) (dj) At least once every 2 years, perform a financial audit and  
18 performance evaluation audit of any health benefit plan exchange under subch. II  
19 of ch. 636 and an audit of the Badger Health Benefit Authority’s policies and  
20 management practices and file copies of each audit report under this paragraph with  
21 the distributees specified in par. (b).

22 **SECTION 1af.** 13.94 (1s) (c) 9. of the statutes is created to read:

23 13.94 (1s) (c) 9. The Badger Health Benefit Authority for the cost of the audit  
24 under sub. (1) (dj).

25 **SECTION 1ag.** 13.95 (intro.) of the statutes is amended to read:

1           **13.95 Legislative fiscal bureau.** (intro.) There is created a bureau to be  
2 known as the “Legislative Fiscal Bureau” headed by a director. The fiscal bureau  
3 shall be strictly nonpartisan and shall at all times observe the confidential nature  
4 of the research requests received by it; however, with the prior approval of the  
5 requester in each instance, the bureau may duplicate the results of its research for  
6 distribution. Subject to s. 230.35 (4) (a) and (f), the director or the director’s  
7 designated employees shall at all times, with or without notice, have access to all  
8 state agencies, the University of Wisconsin Hospitals and Clinics Authority, the  
9 Wisconsin Aerospace Authority, the Badger Health Benefit Authority, the Lower Fox  
10 River Remediation Authority, the Wisconsin Economic Development Corporation,  
11 and the Fox River Navigational System Authority, and to any books, records, or other  
12 documents maintained by such agencies or authorities and relating to their  
13 expenditures, revenues, operations, and structure.

14           **SECTION 1ah.** 16.002 (2) of the statutes is amended to read:

15           16.002 (2) “Departments” means constitutional offices, departments, and  
16 independent agencies and includes all societies, associations, and other agencies of  
17 state government for which appropriations are made by law, but not including  
18 authorities created in subch. II of ch. 114 or subch. III of ch. 636 or in ch. 231, 232,  
19 233, 234, 237, 238, or 279.

20           **SECTION 1aj.** 16.004 (4) of the statutes is amended to read:

21           16.004 (4) FREEDOM OF ACCESS. The secretary and such employees of the  
22 department as the secretary designates may enter into the offices of state agencies  
23 and authorities created under subch. II of ch. 114 and subch. III of ch. 636 and under  
24 chs. 231, 233, 234, 237, 238, and 279, and may examine their books and accounts and



1 any other matter that in the secretary's judgment should be examined and may  
2 interrogate the agency's employees publicly or privately relative thereto.

3 **SECTION 1ak.** 16.004 (5) of the statutes is amended to read:

4 16.004 (5) AGENCIES AND EMPLOYEES TO COOPERATE. All state agencies and  
5 authorities created under subch. II of ch. 114 and subch. III of ch. 636 and under chs.  
6 231, 233, 234, 237, 238, and 279, and their officers and employees, shall cooperate  
7 with the secretary and shall comply with every request of the secretary relating to  
8 his or her functions.

9 **SECTION 1am.** 16.004 (12) (a) of the statutes is amended to read:

10 16.004 (12) (a) In this subsection, "state agency" means an association,  
11 authority, board, department, commission, independent agency, institution, office,  
12 society, or other body in state government created or authorized to be created by the  
13 constitution or any law, including the legislature, the office of the governor, and the  
14 courts, but excluding the University of Wisconsin Hospitals and Clinics Authority,  
15 the Wisconsin Aerospace Authority, the Lower Fox River Remediation Authority, the  
16 Wisconsin Economic Development Corporation, the Badger Health Benefit  
17 Authority, and the Fox River Navigational System Authority.

18 **SECTION 1an.** 16.045 (1) (a) of the statutes is amended to read:

19 16.045 (1) (a) "Agency" means an office, department, independent agency,  
20 institution of higher education, association, society, or other body in state  
21 government created or authorized to be created by the constitution or any law, that  
22 is entitled to expend moneys appropriated by law, including the legislature and the  
23 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
24 ch. 636 or in ch. 231, 232, 233, 234, 237, 238, or 279.

25 **SECTION 1ap.** 16.15 (1) (ab) of the statutes is amended to read:

1           16.15 (1) (ab) “Authority” has the meaning given under s. 16.70 (2), but  
2 excludes the University of Wisconsin Hospitals and Clinics Authority, the Lower Fox  
3 River Remediation Authority, ~~and~~ the Wisconsin Economic Development  
4 Corporation, and the Badger Health Benefit Authority.

5           **SECTION 1aq.** 16.41 (4) of the statutes is amended to read:

6           16.41 (4) In this section, “authority” means a body created under subch. II of  
7 ch. 114 or subch. III of ch. 636 or under ch. 231, 233, 234, 237, 238, or 279.

8           **SECTION 1ar.** 16.417 (1) (a) of the statutes is amended to read:

9           16.417 (1) (a) “Agency” means an office, department, independent agency,  
10 institution of higher education, association, society, or other body in state  
11 government created or authorized to be created by the constitution or any law, that  
12 is entitled to expend moneys appropriated by law, including the legislature and the  
13 courts, but not including an authority or the body created under subch. III of ch. 636.

14           **SECTION 1as.** 16.52 (7) of the statutes is amended to read:

15           16.52 (7) PETTY CASH ACCOUNT. With the approval of the secretary, each agency  
16 that is authorized to maintain a contingent fund under s. 20.920 may establish a  
17 petty cash account from its contingent fund. The procedure for operation and  
18 maintenance of petty cash accounts and the character of expenditures therefrom  
19 shall be prescribed by the secretary. In this subsection, “agency” means an office,  
20 department, independent agency, institution of higher education, association,  
21 society, or other body in state government created or authorized to be created by the  
22 constitution or any law, that is entitled to expend moneys appropriated by law,  
23 including the legislature and the courts, but not including an authority created in  
24 subch. II of ch. 114 or subch. III of ch. 636 or in ch. 231, 233, 234, 237, 238, or 279.

25           **SECTION 1at.** 16.528 (1) (a) of the statutes is amended to read:

1           16.528 (1) (a) “Agency” means an office, department, independent agency,  
2 institution of higher education, association, society, or other body in state  
3 government created or authorized to be created by the constitution or any law, that  
4 is entitled to expend moneys appropriated by law, including the legislature and the  
5 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
6 ch. 636 or in ch. 231, 233, 234, 237, 238, or 279.

7           **SECTION 1au.** 16.53 (2) of the statutes is amended to read:

8           16.53 (2) IMPROPER INVOICES. If an agency receives an improperly completed  
9 invoice, the agency shall notify the sender of the invoice within 10 working days after  
10 it receives the invoice of the reason it is improperly completed. In this subsection,  
11 “agency” means an office, department, independent agency, institution of higher  
12 education, association, society, or other body in state government created or  
13 authorized to be created by the constitution or any law, that is entitled to expend  
14 moneys appropriated by law, including the legislature and the courts, but not  
15 including an authority created in subch. II of ch. 114 or subch. III of ch. 636 or in ch.  
16 231, 233, 234, 237, 238, or 279.

17           **SECTION 1av.** 16.54 (9) (a) 1. of the statutes is amended to read:

18           16.54 (9) (a) 1. “Agency” means an office, department, independent agency,  
19 institution of higher education, association, society or other body in state  
20 government created or authorized to be created by the constitution or any law, which  
21 is entitled to expend moneys appropriated by law, including the legislature and the  
22 courts, but not including an authority created in subch. II of ch. 114 or subch. III of  
23 ch. 636 or in ch. 231, 233, 234, 237, 238, or 279.

24           **SECTION 1aw.** 16.70 (2) of the statutes is amended to read:

1           16.70 (2) “Authority” means a body created under subch. II of ch. 114 or subch.  
2 III of ch. 636 or under ch. 231, 232, 233, 234, 237, or 279.

3           **SECTION 1ax.** 16.72 (2) (e) (intro.) of the statutes is amended to read:

4           16.72 (2) (e) (intro.) In writing the specifications under this subsection, the  
5 department and any other designated purchasing agent under s. 16.71 (1) shall  
6 incorporate requirements for the purchase of products made from recycled materials  
7 and recovered materials if their use is technically and economically feasible. Each  
8 authority other than the University of Wisconsin Hospitals and Clinics Authority  
9 ~~and~~, the Lower Fox River Remediation Authority, and the Badger Health Benefit  
10 Authority, in writing specifications for purchasing by the authority, shall incorporate  
11 requirements for the purchase of products made from recycled materials and  
12 recovered materials if their use is technically and economically feasible. The  
13 specifications shall include requirements for the purchase of the following materials:

14           **SECTION 1ay.** 16.72 (2) (f) of the statutes is amended to read:

15           16.72 (2) (f) In writing specifications under this subsection, the department,  
16 any other designated purchasing agent under s. 16.71 (1), and each authority other  
17 than the University of Wisconsin Hospitals and Clinics Authority ~~and~~, the Lower Fox  
18 River Remediation Authority, and the Badger Health Benefit Authority shall  
19 incorporate requirements relating to the recyclability and ultimate disposition of  
20 products and, wherever possible, shall write the specifications so as to minimize the  
21 amount of solid waste generated by the state, consistent with the priorities  
22 established under s. 287.05 (12). All specifications under this subsection shall  
23 discourage the purchase of single-use, disposable products and require, whenever  
24 practical, the purchase of multiple-use, durable products.

25           **SECTION 1az.** 16.75 (1m) of the statutes is amended to read:

1           16.75 (1m) The department shall award each order or contract for materials,  
2 supplies or equipment on the basis of life cycle cost estimates, whenever such action  
3 is appropriate. Each authority other than the University of Wisconsin Hospitals and  
4 Clinics Authority, the Lower Fox River Remediation Authority, ~~and the Wisconsin~~  
5 ~~Aerospace Authority, and the Badger Health Benefit Authority~~ shall award each  
6 order or contract for materials, supplies or equipment on the basis of life cycle cost  
7 estimates, whenever such action is appropriate. The terms, conditions and  
8 evaluation criteria to be applied shall be incorporated in the solicitation of bids or  
9 proposals. The life cycle cost formula may include, but is not limited to, the  
10 applicable costs of energy efficiency, acquisition and conversion, money,  
11 transportation, warehousing and distribution, training, operation and maintenance  
12 and disposition or resale. The department shall prepare documents containing  
13 technical guidance for the development and use of life cycle cost estimates, and shall  
14 make the documents available to local governmental units.

15           **SECTION 1ba.** 16.75 (8) (am) of the statutes is amended to read:

16           16.75 (8) (am) The department, any other designated purchasing agent under  
17 s. 16.71 (1), any agency making purchases under s. 16.74, and each authority other  
18 than the University of Wisconsin Hospitals and Clinics Authority ~~and~~, the Lower Fox  
19 River Remediation Authority, and the Badger Health Benefit Authority shall, to the  
20 extent practicable, make purchasing selections using specifications developed under  
21 s. 16.72 (2) (e) to maximize the purchase of materials utilizing recycled materials and  
22 recovered materials.

23           **SECTION 1bb.** 16.75 (8) (bm) of the statutes is amended to read:

24           16.75 (8) (bm) Each agency and authority other than the University of  
25 Wisconsin Hospitals and Clinics Authority ~~and~~, the Lower Fox River Remediation

1 Authority, and the Badger Health Benefit Authority shall ensure that the average  
2 recycled or recovered content of all paper purchased by the agency or authority  
3 measured as a proportion, by weight, of the fiber content of paper products purchased  
4 in a fiscal year, is not less than 40 percent of all purchased paper.

5 **SECTION 1bc.** 16.75 (9) of the statutes is amended to read:

6 16.75 (9) The department, any other designated purchasing agent under s.  
7 16.71 (1), any agency making purchases under s. 16.74, and any authority other than  
8 the University of Wisconsin Hospitals and Clinics Authority ~~and~~, the Lower Fox  
9 River Remediation Authority, and the Badger Health Benefit Authority shall, to the  
10 extent practicable, make purchasing selections using specifications prepared under  
11 s. 16.72 (2) (f).

12 **SECTION 1bd.** 16.765 (1) of the statutes is amended to read:

13 16.765 (1) Contracting agencies, the University of Wisconsin Hospitals and  
14 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
15 Aerospace Authority, the Badger Health Benefit Authority, the Lower Fox River  
16 Remediation Authority, the Wisconsin Economic Development Corporation, and the  
17 Bradley Center Sports and Entertainment Corporation shall include in all contracts  
18 executed by them a provision obligating the contractor not to discriminate against  
19 any employee or applicant for employment because of age, race, religion, color,  
20 handicap, sex, physical condition, developmental disability as defined in s. 51.01 (5),  
21 sexual orientation as defined in s. 111.32 (13m), or national origin and, except with  
22 respect to sexual orientation, obligating the contractor to take affirmative action to  
23 ensure equal employment opportunities.

24 **SECTION 1be.** 16.765 (2) of the statutes is amended to read:

1           16.765 (2) Contracting agencies, the University of Wisconsin Hospitals and  
2 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
3 Aerospace Authority, the Badger Health Benefit Authority, the Lower Fox River  
4 Remediation Authority, the Wisconsin Economic Development Corporation, and the  
5 Bradley Center Sports and Entertainment Corporation shall include the following  
6 provision in every contract executed by them: “In connection with the performance  
7 of work under this contract, the contractor agrees not to discriminate against any  
8 employee or applicant for employment because of age, race, religion, color, handicap,  
9 sex, physical condition, developmental disability as defined in s. 51.01 (5), sexual  
10 orientation or national origin. This provision shall include, but not be limited to, the  
11 following: employment, upgrading, demotion or transfer; recruitment or recruitment  
12 advertising; layoff or termination; rates of pay or other forms of compensation; and  
13 selection for training, including apprenticeship. Except with respect to sexual  
14 orientation, the contractor further agrees to take affirmative action to ensure equal  
15 employment opportunities. The contractor agrees to post in conspicuous places,  
16 available for employees and applicants for employment, notices to be provided by the  
17 contracting officer setting forth the provisions of the nondiscrimination clause”.

18           **SECTION 1bf.** 16.765 (4) of the statutes is amended to read:

19           16.765 (4) Contracting agencies, the University of Wisconsin Hospitals and  
20 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
21 Aerospace Authority, the Badger Health Benefit Authority, the Lower Fox River  
22 Remediation Authority, and the Bradley Center Sports and Entertainment  
23 Corporation shall take appropriate action to revise the standard government  
24 contract forms under this section.

25           **SECTION 1bg.** 16.765 (5) of the statutes is amended to read:

1           16.765 (5) The head of each contracting agency and the boards of directors of  
2 the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
3 Navigational System Authority, the Wisconsin Aerospace Authority, the Badger  
4 Health Benefit Authority, the Lower Fox River Remediation Authority, the  
5 Wisconsin Economic Development Corporation, and the Bradley Center Sports and  
6 Entertainment Corporation shall be primarily responsible for obtaining compliance  
7 by any contractor with the nondiscrimination and affirmative action provisions  
8 prescribed by this section, according to procedures recommended by the department.  
9 The department shall make recommendations to the contracting agencies and the  
10 boards of directors of the University of Wisconsin Hospitals and Clinics Authority,  
11 the Fox River Navigational System Authority, the Wisconsin Aerospace Authority,  
12 the Badger Health Benefit Authority, the Lower Fox River Remediation Authority,  
13 the Wisconsin Economic Development Corporation, and the Bradley Center Sports  
14 and Entertainment Corporation for improving and making more effective the  
15 nondiscrimination and affirmative action provisions of contracts. The department  
16 shall promulgate such rules as may be necessary for the performance of its functions  
17 under this section.

18           **SECTION 1bh.** 16.765 (6) of the statutes is amended to read:

19           16.765 (6) The department may receive complaints of alleged violations of the  
20 nondiscrimination provisions of such contracts. The department shall investigate  
21 and determine whether a violation of this section has occurred. The department may  
22 delegate this authority to the contracting agency, the University of Wisconsin  
23 Hospitals and Clinics Authority, the Fox River Navigational System Authority, the  
24 Wisconsin Aerospace Authority, the Badger Health Benefit Authority, the Lower Fox  
25 River Remediation Authority, the Wisconsin Economic Development Corporation, or



1 the Bradley Center Sports and Entertainment Corporation for processing in  
2 accordance with the department's procedures.

3 **SECTION 1bk.** 16.765 (7) (intro.) of the statutes is amended to read:

4 16.765 (7) (intro.) When a violation of this section has been determined by the  
5 department, the contracting agency, the University of Wisconsin Hospitals and  
6 Clinics Authority, the Fox River Navigational System Authority, the Wisconsin  
7 Aerospace Authority, the Badger Health Benefit Authority, the Lower Fox River  
8 Remediation Authority, the Wisconsin Economic Development Corporation, or the  
9 Bradley Center Sports and Entertainment Corporation, the contracting agency, the  
10 University of Wisconsin Hospitals and Clinics Authority, the Fox River Navigational  
11 System Authority, the Wisconsin Aerospace Authority, the Badger Health Benefit  
12 Authority, the Lower Fox River Remediation Authority, the Wisconsin Economic  
13 Development Corporation, or the Bradley Center Sports and Entertainment  
14 Corporation shall:

15 **SECTION 1bm.** 16.765 (7) (d) of the statutes is amended to read:

16 16.765 (7) (d) Direct the violating party to take immediate steps to prevent  
17 further violations of this section and to report its corrective action to the contracting  
18 agency, the University of Wisconsin Hospitals and Clinics Authority, the Fox River  
19 Navigational System Authority, the Wisconsin Aerospace Authority, the Badger  
20 Health Benefit Authority, the Lower Fox River Remediation Authority, the  
21 Wisconsin Economic Development Corporation, or the Bradley Center Sports and  
22 Entertainment Corporation.

23 **SECTION 1bn.** 16.765 (8) of the statutes is amended to read:

24 16.765 (8) If further violations of this section are committed during the term  
25 of the contract, the contracting agency, the Fox River Navigational System Authority,

1 the Wisconsin Aerospace Authority, the Badger Health Benefit Authority, the Lower  
2 Fox River Remediation Authority, the Wisconsin Economic Development  
3 Corporation, or the Bradley Center Sports and Entertainment Corporation may  
4 permit the violating party to complete the contract, after complying with this section,  
5 but thereafter the contracting agency, the Fox River Navigational System Authority,  
6 the Wisconsin Aerospace Authority, the Badger Health Benefit Authority, the Lower  
7 Fox River Remediation Authority, the Wisconsin Economic Development  
8 Corporation, or the Bradley Center Sports and Entertainment Corporation shall  
9 request the department to place the name of the party on the ineligible list for state  
10 contracts, or the contracting agency, the Fox River Navigational System Authority,  
11 the Wisconsin Aerospace Authority, the Badger Health Benefit Authority, the Lower  
12 Fox River Remediation Authority, the Wisconsin Economic Development  
13 Corporation, or the Bradley Center Sports and Entertainment Corporation may  
14 terminate the contract without liability for the uncompleted portion or any materials  
15 or services purchased or paid for by the contracting party for use in completing the  
16 contract.

17 **SECTION 1bp.** 16.85 (2) of the statutes is amended to read:

18 16.85 (2) To furnish engineering, architectural, project management, and other  
19 building construction services whenever requisitions therefor are presented to the  
20 department by any agency. The department may deposit moneys received from the  
21 provision of these services in the account under s. 20.505 (1) (kc) or in the general  
22 fund as general purpose revenue — earned. In this subsection, “agency” means an  
23 office, department, independent agency, institution of higher education, association,  
24 society, or other body in state government created or authorized to be created by the  
25 constitution or any law, which is entitled to expend moneys appropriated by law,

1 including the legislature and the courts, but not including an authority created in  
2 subch. II of ch. 114 or subch. III of ch. 636 or in ch. 231, 233, 234, 237, 238, or 279.

3 **SECTION 1bq.** 16.865 (8) of the statutes is amended to read:

4 16.865 (8) Annually in each fiscal year, allocate as a charge to each agency a  
5 proportionate share of the estimated costs attributable to programs administered by  
6 the agency to be paid from the appropriation under s. 20.505 (2) (k). The department  
7 may charge premiums to agencies to finance costs under this subsection and pay the  
8 costs from the appropriation on an actual basis. The department shall deposit all  
9 collections under this subsection in the appropriation account under s. 20.505 (2) (k).  
10 Costs assessed under this subsection may include judgments, investigative and  
11 adjustment fees, data processing and staff support costs, program administration  
12 costs, litigation costs, and the cost of insurance contracts under sub. (5). In this  
13 subsection, “agency” means an office, department, independent agency, institution  
14 of higher education, association, society, or other body in state government created  
15 or authorized to be created by the constitution or any law, that is entitled to expend  
16 moneys appropriated by law, including the legislature and the courts, but not  
17 including an authority created in subch. II of ch. 114 or subch. III of ch. 636 or in ch.  
18 231, 232, 233, 234, 237, 238, or 279.

19 **SECTION 1br.** 25.50 (1) (d) of the statutes is amended to read:

20 25.50 (1) (d) “Local government” means any county, town, village, city, power  
21 district, sewerage district, drainage district, town sanitary district, public inland  
22 lake protection and rehabilitation district, local professional baseball park district  
23 created under subch. III of ch. 229, long-term care district under s. 46.2895, local  
24 professional football stadium district created under subch. IV of ch. 229, local  
25 cultural arts district created under subch. V of ch. 229, public library system, school

1 district or technical college district in this state, any commission, committee, board  
2 or officer of any governmental subdivision of this state, any court of this state, other  
3 than the court of appeals or the supreme court, or any authority created under s.  
4 114.61, 231.02, 233.02, ~~or 234.02, or 636.70.~~

5 **SECTION 1bs.** 40.02 (54) (n) of the statutes is created to read:

6 40.02 **(54)** (n) The Badger Health Benefit Authority.

7 **SECTION 1bt.** 49.45 (2) (a) 3. of the statutes is amended to read:

8 49.45 **(2)** (a) 3. ~~Determine~~ Subject to s. 636.30 (1) (o), determine the eligibility  
9 of persons for medical assistance, rehabilitative, and social services under ss. 49.46,  
10 49.468, 49.47, and 49.471 and rules and policies adopted by the department and may,  
11 under a contract under s. 49.78 (2), delegate all, or any portion, of this function to the  
12 county department under s. 46.215, 46.22, or 46.23 or a tribal governing body.

13 **SECTION 1bu.** 70.11 (41c) of the statutes is created to read:

14 70.11 **(41c)** BADGER HEALTH BENEFIT AUTHORITY. All property owned by the  
15 Badger Health Benefit Authority, provided that the use of the property is primarily  
16 related to the purposes of the authority.

17 **SECTION 1bv.** 71.26 (1) (be) of the statutes is amended to read:

18 71.26 **(1)** (be) *Certain authorities.* Income of the University of Wisconsin  
19 Hospitals and Clinics Authority, of the Badger Health Benefit Authority, of the Fox  
20 River Navigational System Authority, of the Wisconsin Economic Development  
21 Corporation, and of the Wisconsin Aerospace Authority.

22 **SECTION 1bw.** 77.54 (9a) (a) of the statutes is amended to read:

23 77.54 **(9a)** (a) This state or any agency thereof, the University of Wisconsin  
24 Hospitals and Clinics Authority, the Wisconsin Aerospace Authority, the Badger

1 Health Benefit Authority, the Wisconsin Economic Development Corporation, and  
2 the Fox River Navigational System Authority.

3 **SECTION 1bx.** 101.055 (2) (a) of the statutes is amended to read:

4 101.055 (2) (a) “Agency” means an office, department, independent agency,  
5 authority, institution, association, society, or other body in state government created  
6 or authorized to be created by the constitution or any law, and includes the  
7 legislature and the courts, but excludes the Badger Health Benefit Authority.

8 **SECTION 1bxa.** 230.03 (3) of the statutes is amended to read:

9 230.03 (3) “Agency” means any board, commission, committee, council, or  
10 department in state government or a unit thereof created by the constitution or  
11 statutes if such board, commission, committee, council, department, unit, or the  
12 head thereof, is authorized to appoint subordinate staff by the constitution or  
13 statute, except the Board of Regents of the University of Wisconsin System, a  
14 legislative or judicial board, commission, committee, council, department, or unit  
15 thereof or an authority created under subch. II of ch. 114 or subch. III of ch. 636 or  
16 under ch. 231, 232, 233, 234, 237, 238, or 279. “Agency” does not mean any local unit  
17 of government or body within one or more local units of government that is created  
18 by law or by action of one or more local units of government.

19 **SECTION 1by.** 230.80 (4) of the statutes is amended to read:

20 230.80 (4) “Governmental unit” means any association, authority, board,  
21 commission, department, independent agency, institution, office, society, or other  
22 body in state government created or authorized to be created by the constitution or  
23 any law, including the legislature, the office of the governor, and the courts, but  
24 excluding the Badger Health Benefit Authority. “Governmental unit” does not mean

1 any political subdivision of the state or body within one or more political subdivisions  
2 that is created by law or by action of one or more political subdivisions.

3 **SECTION 1bz.** 230.90 (1) (c) of the statutes is amended to read:

4 230.90 (1) (c) “Governmental unit” means any association, authority, board,  
5 commission, department, independent agency, institution, office, society or other  
6 body in state government created or authorized to be created by the constitution or  
7 any law, including the legislature, the office of the governor and the courts.  
8 “Governmental unit” does not mean the University of Wisconsin Hospitals and  
9 Clinics Authority, the Badger Health Benefit Authority, or any political subdivision  
10 of the state or body within one or more political subdivisions which is created by law  
11 or by action of one or more political subdivisions.

12 **SECTION 1ca.** 635.18 (1) of the statutes is amended to read:

13 635.18 (1) ~~Every~~ Any small employer insurer ~~shall~~ may actively market health  
14 benefit plan coverage to small employers in the state.

15 **SECTION 1cb.** Chapter 636 of the statutes is created to read:

## 16 **CHAPTER 636**

### 17 **HEALTH BENEFIT PLAN EXCHANGE**

#### 18 **SUBCHAPTER I**

#### 19 **GENERAL PROVISIONS**

20 **636.01 Definitions.** In this chapter:

21 (1) “Authority” means the Badger Health Benefit Authority.

22 (2) “Educated health care consumer” means an individual who is  
23 knowledgeable about the health care system and who has background or experience  
24 in making informed decisions regarding health, medical, and scientific matters.

1           **(3)** “Federal act” means the federal Patient Protection and Affordable Care Act  
2 (P.L. 111-148), as amended by the federal Health Care and Education Reconciliation  
3 Act of 2010 (P.L. 111-152), and any amendments to, or regulations or guidance issued  
4 under, those acts.

5           **(4)** (a) Except as provided in pars. (b) to (e), “health benefit plan” means a policy,  
6 contract, certificate, or agreement offered or issued by a health carrier to provide,  
7 deliver, arrange for, pay for, or reimburse any of the costs of health care services.

8           (b) “Health benefit plan” does not include any of the following:

9           1. Coverage only for accident, or disability income insurance, or any  
10 combination of those.

11           2. Coverage issued as a supplement to liability insurance.

12           3. Liability insurance, including general liability insurance and automobile  
13 liability insurance.

14           4. Worker’s compensation or similar insurance.

15           5. Automobile medical payment insurance.

16           6. Credit-only insurance.

17           7. Coverage for on-site medical clinics.

18           8. Other similar insurance coverage, specified in federal regulations issued  
19 under P.L. 104-191, under which benefits for health care services are secondary or  
20 incidental to other insurance benefits.

21           (c) “Health benefit plan” does not include any of the following benefits if they  
22 are provided under a separate policy, certificate, or contract of insurance or otherwise  
23 not an integral part of the plan:

24           1. Limited scope dental or vision benefits.

1           2. Benefits for long-term care, nursing home care, home health care,  
2 community-based care, or any combination of those.

3           3. Other similar, limited benefits specified in federal regulations issued under  
4 P.L. 104-191.

5           (d) "Health benefit plan" does not include any of the following benefits if the  
6 benefits are provided under a separate policy, certificate, or contract of insurance,  
7 there is no coordination between the provision of the benefits and any exclusion of  
8 benefits under any group health plan maintained by the same plan sponsor, and the  
9 benefits are paid with respect to an event without regard to whether benefits are  
10 provided with respect to such an event under any group health plan maintained by  
11 the same plan sponsor:

12           1. Coverage only for a specified disease or illness.

13           2. Hospital indemnity or other fixed indemnity insurance.

14           (e) "Health benefit plan" does not include any of the following if offered as a  
15 separate policy, certificate, or contract of insurance:

16           1. Medicare supplemental health insurance as defined under section 1882 (g)  
17 (1) of the federal Social Security Act.

18           2. Coverage supplemental to the coverage provided under the Civilian Health  
19 and Medical Program of the Uniformed Services 10 USC ch. 55.

20           3. Similar coverage supplemental to coverage provided under a group health  
21 plan.

22           **(5)** "Health carrier" means an entity subject to the insurance laws and rules  
23 of this state, or subject to the jurisdiction of the commissioner, that contracts or offers  
24 to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of  
25 health care services, including a sickness and accident insurance company, a health



1 maintenance organization, a nonprofit hospital and health service corporation, or  
2 any other entity providing a plan of health insurance, health benefits, or health  
3 services.

4 **(5m)** “Minimum essential coverage” has the meaning given in 26 USC 5000A  
5 (f) (1).

6 **(6)** “Qualified dental plan” means a limited scope dental plan that has been  
7 certified in accordance with s. 636.42 (5).

8 **(7)** “Qualified employer” means a small employer that elects to make its  
9 full-time employees eligible for one or more qualified health plans offered through  
10 the SHOP Exchange and, at the option of the employer, some or all of its part-time  
11 employees, provided that the employer satisfies any of the following:

12 (a) The employer has its principal place of business in this state and elects to  
13 provide coverage through the SHOP Exchange to all of its eligible employees,  
14 wherever employed.

15 (b) The employer elects to provide coverage through the SHOP Exchange to all  
16 of its eligible employees who are principally employed in this state.

17 **(8)** “Qualified health plan” means a health benefit plan that has in effect a  
18 certification that the plan meets the criteria for certification described in section  
19 1311 (c) of the federal act and s. 636.42.

20 **(9)** “Qualified individual” means an individual, including a minor, who satisfies  
21 all of the following:

22 (a) The individual is seeking to enroll in a qualified health plan offered to  
23 individuals through the exchange under subch. II.

24 (b) The individual resides in this state.

1 (c) At the time of enrollment, the individual is not incarcerated in a correctional  
2 facility, other than incarceration pending the disposition of charges.

3 (d) The individual is, and is reasonably expected to be for the entire period for  
4 which enrollment is sought, a citizen or national of the United States or an alien  
5 lawfully present in the United States.

6 (10) "Secretary" means the secretary of the federal department of health and  
7 human services.

8 (11) "SHOP Exchange" means a small business health options program  
9 established under s. 636.30 (1) (q).

10 (12) (a) "Small employer" means an employer that employed an average of not  
11 more than 100 employees during the preceding calendar year.

12 (b) For purposes of this subsection, all of the following apply:

13 1. All persons treated as a single employer under section 414 (b), (c), (m), or (o)  
14 of the Internal Revenue Code shall be treated as a single employer.

15 2. An employer and any predecessor employer shall be treated as a single  
16 employer.

17 3. All employees shall be counted, including part-time employees and  
18 employees who are not eligible for coverage through the employer.

19 4. If an employer was not in existence during the entire preceding calendar  
20 year, the determination of whether that employer is a small employer shall be based  
21 on the average number of employees that it is reasonably expected that employer will  
22 employ on business days in the current calendar year.

23 5. An employer that makes enrollment in qualified health plans available to  
24 its employees through the SHOP Exchange and that would cease to be a small  
25 employer by reason of an increase in the number of its employees shall continue to

1 be treated as a small employer for purposes of this chapter as long as it continuously  
2 makes enrollment through the SHOP Exchange available to its employees.

## 3 SUBCHAPTER II

### 4 OPERATION OF EXCHANGE

5 **636.25 General matters.** (1) The authority shall establish and operate a  
6 Wisconsin Health Benefit Exchange and shall make qualified health plans, with  
7 effective dates on or before January 1, 2018, available to qualified individuals and  
8 qualified employers.

9 (2) (a) The authority may not make available any health benefit plan that is  
10 not a qualified health plan.

11 (b) The authority shall allow a health carrier to offer a plan that provides  
12 limited scope dental benefits meeting the requirements of section 9832 (c) (2) (A) of  
13 the Internal Revenue Code through the exchange, either separately or in conjunction  
14 with a qualified health plan, if the plan provides pediatric dental benefits meeting  
15 the requirements of section 1302 (b) (1) (J) of the federal act.

16 (3) Neither the authority nor a health carrier offering health benefit plans  
17 through the exchange may charge an individual a fee or penalty for termination of  
18 coverage if the individual enrolls in another type of minimum essential coverage  
19 because the individual has become newly eligible for that coverage or because the  
20 individual's employer-sponsored coverage has become affordable under the  
21 standards of section 36B (c) (2) (C) of the Internal Revenue Code.

22 (4) The authority may enter into information-sharing agreements with federal  
23 and state agencies and entities operating exchanges in other states to carry out its  
24 responsibilities under this chapter, provided that such agreements include adequate

1 protections with respect to the confidentiality of the information to be shared and  
2 comply with all state and federal laws and rules and regulations.

3 **636.30 Exchange duties and powers. (1)** In addition to all other duties  
4 imposed under this chapter, the authority shall do all of the following relating to the  
5 exchange:

6 (a) Implement procedures for the certification, recertification, and  
7 decertification, consistent with guidelines developed by the secretary under section  
8 1311 (c) of the federal act and s. 636.42, of health benefit plans as qualified health  
9 plans.

10 (b) Provide for the operation of a toll-free telephone hotline to respond to  
11 requests for assistance.

12 (c) Provide for enrollment periods, as provided under section 1311 (c) (6) of the  
13 federal act.

14 (d) Maintain an Internet site through which enrollees and prospective  
15 enrollees of qualified health plans may obtain standardized comparative  
16 information on such plans.

17 (e) Assign a rating to each qualified health plan offered through the exchange  
18 in accordance with the criteria developed by the secretary under section 1311 (c) (3)  
19 of the federal act, and determine each qualified health plan's level of coverage in  
20 accordance with regulations issued by the secretary under section 1302 (d) (2) (A) of  
21 the federal act.

22 (f) Use a standardized format for presenting health benefit options in the  
23 exchange, including the use of the uniform outline of coverage established under 42  
24 USC 300gg-15.

1 (g) Establish quality improvement standards for health benefit plans offered  
2 through the exchange.

3 (h) Establish a system for enrolling eligible groups and individuals, using a  
4 standard application form developed by the commissioner under s. 636.46 (2).

5 (i) Establish procedures for collecting premiums and remitting premium  
6 payments and providing enrollment information to health carriers.

7 (j) Establish, in consultation with the commissioner, the method for  
8 determining the amount of the surcharge under s. 636.45 (1) and establish the  
9 procedure for imposing and collecting the surcharge.

10 (k) Establish a plan for publicizing the exchange and the eligibility  
11 requirements and enrollment procedures.

12 (L) Establish and operate a service center to provide information to small  
13 employers, individuals, enrollees, and insurance intermediaries about the exchange.

14 (m) Establish a mechanism for regular communication and cooperation with  
15 insurance intermediaries.

16 (n) Establish an independent and binding appeals process for resolving  
17 disputes over eligibility and other determinations made by the authority.

18 (o) In accordance with section 1413 of the federal act, inform individuals of  
19 eligibility requirements for Medical Assistance under subch. IV of ch. 49 or any other  
20 applicable state or local public program and if, through screening of the application  
21 by the authority, the authority determines that any individual is eligible for any such  
22 program, assist that individual to enroll in that program.

23 (p) Establish and make available by electronic means a calculator to determine  
24 the actual cost of coverage after application of any premium tax credit under section

1 36B of the Internal Revenue Code and any cost-sharing reduction under section  
2 1402 of the federal act.

3 (q) Establish a SHOP Exchange through which qualified employers may access  
4 health care coverage for their employees and which shall enable any qualified  
5 employer to specify the level of coverage at which its employees may enroll in any  
6 qualified health plan offered through the SHOP Exchange.

7 (r) Perform duties required of the authority by the secretary or the federal  
8 secretary of the treasury related to determining eligibility for premium tax credits,  
9 reduced cost sharing, or individual responsibility requirement exemptions.

10 (s) Select entities, which may include insurance intermediaries, that are  
11 qualified to serve as navigators in accordance with section 1311 (i) of the federal act  
12 and standards developed by the secretary, and award grants to enable navigators to  
13 do all of the following:

14 1. Conduct public education activities to raise awareness of the availability of  
15 qualified health plans.

16 2. Distribute fair and impartial information concerning enrollment in qualified  
17 health plans and concerning the availability of premium tax credits under section  
18 36B of the Internal Revenue Code and cost-sharing reductions under section 1402  
19 of the federal act.

20 3. Facilitate enrollment in qualified health plans.

21 4. Provide referrals to any applicable office of health insurance consumer  
22 assistance or health insurance ombudsman established under 42 USC 300gg-93, or  
23 to any other appropriate state agency or agencies, for any enrollee with a grievance,  
24 complaint, or question regarding the enrollee's health benefit plan, coverage, or  
25 determination under that plan or coverage.

1           5. Provide information in a manner that is culturally and linguistically  
2 appropriate to the needs of the population being served by the exchange.

3           (t) Assist in the coordination of any necessary administrative operations  
4 between the department of corrections and the department of health services to  
5 ensure all of the following:

6           1. That an individual, upon placement in a correctional facility, is disenrolled  
7 for the duration of his or her incarceration from any health care coverage in which  
8 he or she is enrolled.

9           2. That an individual who is incarcerated in a correctional facility, but  
10 scheduled to be released from incarceration in the near future, is enrolled prior to  
11 release, through the exchange and effective upon the date of his or her release, in  
12 Medical Assistance, a qualified health plan, or some other form of minimum  
13 essential coverage on the date of his or her release from incarceration.

14           (u) For those persons whose alcohol or other drug abuse or mental health  
15 treatment is not covered by a federally administered program, coordinate the  
16 relationships among the Medical Assistance program, the exchange, and the county  
17 departments under s. 51.42 or 51.437 to provide outpatient and inpatient mental  
18 health and alcohol or other drug abuse treatment with all of the following goals for  
19 the coordination:

20           1. Maximizing coverage and improving access through the exchange for  
21 outpatient and inpatient treatment of mental illness and alcohol or other drug abuse.

22           2. Improving the quality of treatment for persons with alcohol or other drug  
23 dependence or a mental illness.

24           3. Fully integrating the treatment for physical conditions, alcohol or other drug  
25 abuse, and mental illness.

1           4. Reducing the cost of the county departments under ss. 51.42 and 51.437 to  
2 taxpayers by avoiding unnecessary overlap between the improved coverage of  
3 alcohol or other drug abuse treatment or mental illness treatment by health plans  
4 offered through the exchange and the services provided by county departments  
5 under s. 51.42 or 51.437.

6           (v) Review the rate of premium growth within the exchange and outside the  
7 exchange, and consider the information in developing recommendations on whether  
8 to continue limiting qualified employer status to small employers.

9           (w) Credit the amount of any free choice voucher to the monthly premium of  
10 the plan in which a qualified employee is enrolled, in accordance with section 10108  
11 of the federal act, and collect the amount credited from the offering employer.

12           (x) Consult with stakeholders relevant to carrying out the activities required  
13 under this chapter, including any of the following:

14           1. Educated health care consumers who are enrollees in qualified health plans.

15           2. Individuals and entities with experience in facilitating enrollment in  
16 qualified health plans.

17           3. Representatives of small businesses and self-employed individuals.

18           4. The department of health services.

19           5. Advocates for enrolling hard-to-reach populations.

20           (y) Meet all of the following financial integrity requirements:

21           1. Keep an accurate accounting of all activities, receipts, and expenditures and  
22 annually submit to the secretary, the governor, the commissioner, and the legislature  
23 a report concerning such accountings.

24           2. Fully cooperate with any investigation conducted by the secretary under the  
25 secretary's authority under the federal act and allow the secretary, in coordination



1 with the inspector general of the federal department of health and human services,  
2 to do all of the following:

- 3 a. Investigate the affairs of the authority.
- 4 b. Examine the properties and records of the authority.
- 5 c. Require periodic reports in relation to the activities undertaken by the  
6 authority.

7 3. In carrying out its activities under this chapter, not use any funds intended  
8 for the administrative and operational expenses of the authority for staff retreats,  
9 promotional giveaways, excessive executive compensation, or promotion of federal  
10 or state legislative or regulatory modifications, except that this subdivision does not  
11 prohibit the authority from advocating, as part of administering the exchange, for  
12 policies that the authority determines are in the best interest of the exchange or of  
13 individuals and employees receiving coverage through the exchange.

14 **(2)** The authority may do all of the following relating to the exchange:

15 (a) Contract with a 3rd-party administrator for the provision of services on  
16 behalf of the exchange.

17 (b) Establish risk adjustment mechanisms for the exchange.

18 (c) Enter into agreements with or establish sub-exchanges.

19 (d) Create any other exchange, or component of the exchange, that is provided  
20 for under federal law.

21 **(3)** The authority shall seek grants to the fullest extent to which it is eligible,  
22 including amounts under section 1311 (a) (1) and (4) of the federal act, or other  
23 funding from the federal or state government for which it may be eligible and from  
24 private foundations for the purpose of the exchange.

1           **636.42 Health benefit plan certification. (1)** The authority may certify a  
2 health benefit plan as a qualified health plan if all of the following are true:

3           (a) The plan provides the essential health benefits package described in section  
4 1302 (a) of the federal act, except that the plan is not required to provide essential  
5 benefits that duplicate the minimum benefits of qualified dental plans, as provided  
6 in sub. (5), if all of the following are satisfied:

7           1. The authority has determined that at least one qualified dental plan is  
8 available to supplement the plan's coverage.

9           2. The health carrier makes prominent disclosure at the time it offers the plan,  
10 in a form approved by the authority, that the plan does not provide the full range of  
11 essential pediatric benefits and that qualified dental plans providing those benefits  
12 and other dental benefits not covered by the plan are offered through the exchange.

13           (b) The premium rates and contract language have been filed with and not  
14 disapproved by the commissioner.

15           (c) The plan provides at least a bronze level of coverage, as determined under  
16 s. 636.30 (1) (e), unless the plan is certified as a qualified catastrophic plan, meets  
17 the requirements of the federal act for catastrophic plans, and will only be offered to  
18 individuals eligible for catastrophic coverage.

19           (d) The plan's cost-sharing requirements do not exceed the limits established  
20 under section 1302 (c) (1) of the federal act and, if the plan is offered through the  
21 SHOP Exchange, the plan's deductible does not exceed the limits established under  
22 section 1302 (c) (2) of the federal act.

23           (e) The health carrier offering the plan satisfies all of the following:

24           1. Is licensed and in good standing to offer health insurance coverage in this  
25 state.

1           2. Offers at least one qualified health plan in the silver level and at least one  
2 qualified health plan in the gold level through each component of the exchange in  
3 which the health carrier participates. In this subdivision, “component” refers to the  
4 SHOP Exchange and the exchange for individual coverage.

5           3. Charges the same premium rate for each qualified health plan without  
6 regard to whether the plan is offered directly from the health carrier or through an  
7 insurance intermediary.

8           4. Does not charge any cancellation fees or penalties in violation of s. 636.25  
9 (3).

10          5. Complies with the regulations developed by the secretary under section 1311  
11 (d) of the federal act and such other requirements as the authority may establish.

12          (f) The plan meets the requirements of certification as required by any rules  
13 promulgated under s. 636.46 (1) and by the secretary under section 1311 (c) of the  
14 federal act, including minimum standards in the areas of marketing practices,  
15 network adequacy, essential community providers in underserved areas,  
16 accreditation, quality improvement, uniform enrollment forms, and descriptions of  
17 coverage and information on quality measures for health benefit plan performance.

18          (g) The authority determines that making the plan available through the  
19 exchange is in the interest of qualified individuals and qualified employers in this  
20 state.

21          **(2)** The authority shall not exclude a health benefit plan for any of the following  
22 reasons or in any of the following ways:

23           (a) On the basis that the plan is a fee-for-service plan.

24           (b) Through the imposition of premium price controls by the authority.

1 (c) On the basis that the plan provides treatments necessary to prevent  
2 patients' deaths in circumstances the authority determines are inappropriate or too  
3 costly.

4 **(3)** The authority shall require each health carrier seeking certification of a  
5 health benefit plan as a qualified health plan to do all of the following:

6 (a) Submit a justification for any premium increase before implementation of  
7 that increase. The health carrier shall prominently post the information on its  
8 Internet site. The authority shall take this information, along with the information  
9 and the recommendations provided to the authority by the commissioner under 42  
10 USC 300gg-94 (b), into consideration when determining whether to allow the health  
11 carrier to make the plan available through the exchange.

12 (b) 1. Make available to the public, in the format described in subd. 2., and  
13 submit to the authority, the secretary, and the commissioner, accurate and timely  
14 disclosure of all of the following:

15 a. Claims payment policies and practices.

16 b. Periodic financial disclosures.

17 c. Data on enrollment.

18 d. Data on disenrollment.

19 e. Data on the number of claims that are denied.

20 f. Data on rating practices.

21 g. Information on cost sharing and payments with respect to any  
22 out-of-network coverage.

23 h. Information on enrollee and participant rights under title I of the federal act.

24 i. Other information as determined appropriate by the secretary.

1           2. The information required in subd. 1. shall be provided in plain language, as  
2 that term is defined in section 1311 (e) (3) (B) of the federal act.

3           (c) Permit individuals to learn, in a timely manner upon the request of the  
4 individual, the amount of cost sharing, including deductibles, copayments, and  
5 coinsurance, under the individual's plan or coverage that the individual would be  
6 responsible for paying with respect to the furnishing of a specific item or service by  
7 a participating provider. At a minimum, this information shall be made available  
8 to the individual through an Internet site and through other means for individuals  
9 without access to the Internet.

10          (4) The authority may not exempt any health carrier seeking certification of  
11 a health benefit plan as a qualified health plan, regardless of the type or size of the  
12 health carrier, from state licensure or solvency requirements and shall apply the  
13 criteria of this section in a manner that assures equitable treatment of all health  
14 carriers participating in the exchange.

15          (5) (a) The provisions of this chapter that are applicable to qualified health  
16 plans shall also apply to the extent relevant to qualified dental plans, except as  
17 modified in accordance with pars. (b), (c), and (d) or by regulations adopted by the  
18 authority.

19          (b) The health carrier shall be licensed to offer dental coverage, but need not  
20 be licensed to offer other health benefits.

21          (c) The plan shall be limited to dental and oral health benefits, without  
22 substantially duplicating the benefits typically offered by health benefit plans  
23 without dental coverage, and shall include, at a minimum, the essential pediatric  
24 dental benefits prescribed by the secretary under section 1302 (b) (1) (J) of the federal

1 act and such other dental benefits as the authority or the secretary may specify by  
2 regulation.

3 (d) Health carriers may jointly offer a comprehensive plan through the  
4 exchange in which the dental benefits are provided by a health carrier through a  
5 qualified dental plan and the other benefits are provided by a health carrier through  
6 a qualified health plan, provided that the plans are priced separately and are also  
7 made available for purchase separately at the same price.

8 **636.43 Insurer requirements.** (1) Any health carrier that is authorized to  
9 do business in this state in one or more lines of insurance that includes health  
10 insurance may offer health benefit plans through the exchange. After the exchange  
11 becomes operational, no health carrier may offer or issue a health benefit plan in this  
12 state to an individual or to a small employer except through the exchange.

13 (2) For the purpose of determining premiums, a health carrier may pool  
14 together all individuals and employees who have coverage under all of the qualified  
15 health plans issued by the health carrier through the exchange.

16 (3) A health carrier that offers qualified health plans through the exchange  
17 shall establish a toll-free hotline for providing information to enrollees and other  
18 individuals and shall furnish such reasonable reports as the authority determines  
19 necessary for the administration of the exchange.

20 (4) The authority may audit any health carrier that provides coverage under  
21 a qualified health plan through the exchange for the purpose of ensuring that the  
22 health carrier is providing covered individuals with the benefits provided for under  
23 this subchapter in a manner that does all of the following:

24 (a) Complies with the provisions of this chapter.

25 (b) Promotes positive health outcomes.

1 (c) Advances value-based and evidence-based medical practices.

2 (d) Avoids unnecessary operating and capital costs arising from inappropriate  
3 utilization or inefficient delivery of health care services, unwarranted duplication of  
4 services and infrastructure, or creation of excess care delivery capacity.

5 (e) Holds down the growth of health care costs.

6 **636.44 Intermediaries.** An insurance intermediary that enrolls a qualified  
7 individual in a qualified health plan through the exchange shall be paid a  
8 commission by the health carrier offering the qualified health plan. An insurance  
9 intermediary that enrolls the employees of a qualified employer in one or more  
10 qualified health plans through the exchange shall be paid a commission by each  
11 health carrier offering a qualified health plan selected by an employee of the  
12 qualified employer. The authority shall determine the commission amounts that  
13 must be paid to intermediaries under this section.

14 **636.45 Funding; publication of costs.** (1) For payment of administrative  
15 expenses, the authority may impose a surcharge on each health carrier offering  
16 qualified health plans through the exchange. The surcharge shall be based on the  
17 health carrier's total premium or flat dollar amount per enrollee collected through  
18 the exchange.

19 (2) The authority shall publish the average costs of licensing, regulatory fees,  
20 and any other payments required by the authority, and the administrative costs of  
21 the authority, on an Internet site to educate consumers on such costs. This  
22 information shall include information on moneys lost to waste, fraud, and abuse.

23 **636.46 Rules; application form.** (1) The commissioner may promulgate  
24 rules to implement the provisions of this chapter. Rules promulgated under this

1 section may not conflict with or prevent the application of regulations promulgated  
2 by the secretary under the federal act.

3 (2) The commissioner shall develop a standard application form for use in the  
4 exchange.

5 **636.48 Relation to other laws.** Nothing in this chapter, and no action taken  
6 by the authority under this chapter, shall be construed to preempt or supersede the  
7 authority of the commissioner to regulate the business of insurance within this state.  
8 Except as expressly provided to the contrary in this chapter, all health carriers  
9 offering qualified health plans in this state shall comply fully with all applicable  
10 health insurance laws of this state and rules promulgated and orders issued by the  
11 commissioner.

### 12 SUBCHAPTER III

#### 13 BADGER HEALTH BENEFIT AUTHORITY

14 **636.70 Creation and organization of authority.** (1) There is created a  
15 public body corporate and politic to be known as the “Badger Health Benefit  
16 Authority.” The board of directors of the authority shall consist of the commissioner,  
17 or his or her designee; the secretary of employee trust funds, or his or her designee;  
18 the person who is appointed by the secretary of health services to be the director of  
19 the Medical Assistance program, or his or her designee; the executive director, or his  
20 or her designee, of the Wisconsin Collaborative for Healthcare Quality, if that  
21 organization exists; the executive director, or his or her designee, of the Wisconsin  
22 Health Information Organization, if that organization exists; and all of the following  
23 members, who shall be nominated by the governor, and with the advice and consent  
24 of the senate appointed for 3-year terms except as provided in sub. (2):

25 (a) A member in good standing of the American Academy of Actuaries.



1 (b) A health economist.

2 (c) An employee benefits specialist.

3 (d) A representative of small employers.

4 (e) A representative of an organization that represents consumer interests.

5 (f) A representative of organized labor.

6 (g) An individual with experience in health care administration.

7 **(2)** No member of the board appointed under sub. (1) (a) to (g) may be a health  
8 care provider, as defined in s. 146.81 (1) (a) to (hp); an employee of a health care  
9 provider, as defined in s. 146.81 (1) (i) to (p); an employee of an insurer that is  
10 authorized to do business in the state; or an insurance intermediary.

11 **(3)** A vacancy on the board shall be filled in the same manner as the original  
12 appointment to the board for the remainder of the unexpired term, if any.

13 **(4)** A member of the board shall receive no compensation for services under this  
14 chapter but shall be reimbursed for actual and necessary expenses, including travel  
15 expenses, incurred in the discharge of the member's duties under this chapter.

16 **(5)** The commissioner or the commissioner's designee shall be the chairperson  
17 of the board. Seven members of the board constitute a quorum for the purpose of  
18 conducting the business and exercising the powers of the authority, notwithstanding  
19 the existence of any vacancy. The board may take action upon a vote of a majority  
20 of the members present, unless the bylaws of the authority require a larger number.

21 **(6)** The board shall appoint an executive director who shall not be a member  
22 of the board and who shall serve at the pleasure of the board. The executive director  
23 shall receive compensation commensurate with the duties of the office, as  
24 determined by the board. The executive director shall serve as secretary of the  
25 authority and shall keep a record of the proceedings of the authority and shall be

1 custodian of all books, documents, and papers filed with the authority, the minute  
2 book or journal of the authority, and its official seal. The executive director or other  
3 person may cause copies to be made of all minutes and other records and documents  
4 of the authority and may give certificates under the official seal of the authority to  
5 the effect that such copies are true copies, and all persons dealing with the authority  
6 may rely upon such certificates. The executive director shall have all of the following  
7 duties:

8 (a) Supervising the administrative affairs and the general management and  
9 operation of the authority.

10 (b) Planning, directing, coordinating, and executing administrative functions  
11 in conformity with the policies and directives of the board.

12 (c) Employing professional and clerical staff, as necessary.

13 (d) Reporting to the board on all operations under his or her control and  
14 supervision.

15 (e) Preparing an annual budget and managing the administrative expenses of  
16 the authority.

17 (f) Undertaking any activities necessary to implement the powers and duties  
18 set forth in this chapter.

19 **636.72 Authority duties.** In addition to all other duties imposed under this  
20 chapter, the authority shall do all of the following:

21 (1) Establish its annual budget and monitor its fiscal management.

22 (2) No later than 2 years after an exchange under subch. II begins operation,  
23 and annually thereafter, submit a report to the legislature under s. 13.172 (2) and  
24 to the governor on the operation of any exchange under subch. II, including a review  
25 of all of the following:

- 1 (a) Progress toward the goals of the exchange.
- 2 (b) The operations and administration of the exchange.
- 3 (c) The types of health insurance plans available to eligible individuals and  
4 groups and the percentage of the total exchange enrollees served by each plan.
- 5 (d) Surveys and reports on the insurers' experiences with different plans,  
6 including aggregated data on enrollees, claims, statistics, complaint data, and  
7 enrollee satisfaction data.
- 8 (e) Significant observations regarding utilization and adoption of the  
9 exchange.
- 10 (3) Annually submit to the governor and the legislative audit bureau a  
11 statement of its activities and financial condition.
- 12 (4) Approve the use of any trademarks, seals, or logos by participating insurers  
13 and small employers.
- 14 (5) Comply with the requirements of s. 16.413 as if the authority is a state  
15 agency.
- 16 **636.74 Authority powers.** The authority has all of the powers necessary or  
17 convenient to carry out its duties under this chapter, except that it may not acquire  
18 or hold title to real estate or issue bonds. In addition, the authority may do any of  
19 the following:
- 20 (1) Adopt bylaws and policies and procedures for the regulation of its affairs  
21 and the conduct of its business.
- 22 (2) Have a seal and alter the seal at pleasure; have perpetual existence; and  
23 maintain an office.
- 24 (3) Hire employees, define their duties, and fix their rate of compensation.

1           (4) Delegate by resolution to one or more of its members any powers and duties  
2 that it considers proper.

3           (5) Incur debt.

4           (6) Appoint any technical or professional advisory committee that the  
5 authority finds necessary to assist the authority in exercising its duties and powers.  
6 If the authority appoints a committee, the authority shall define the duties of the  
7 committee and provide reimbursement for the expenses of the committee.

8           (7) Accept gifts, grants, loans, or other contributions from private or public  
9 sources.

10          (8) Procure liability insurance.

11          (9) Sue and be sued in its own name and plead and be impleaded.

12          (10) Execute contracts and other instruments, including contracts for  
13 professional or technical services required for the authority or the operation of an  
14 exchange under subch. II.

15           **636.76 Contracting for professional services.** (1) Whenever contracting  
16 for professional services, the authority shall solicit competitive sealed bids or  
17 competitive sealed proposals, whichever is appropriate. Each request for  
18 competitive sealed proposals shall state the relative importance of price and other  
19 evaluation factors.

20           (2) (a) When the estimated cost exceeds \$25,000, the authority may invite  
21 competitive sealed bids or proposals by publishing a class 2 notice under ch. 985 or  
22 by posting notice on the Internet at a site determined or approved by the authority.  
23 The notice shall describe the contractual services to be purchased, the intent to make  
24 the procurement by solicitation of bids or proposals, any requirement for surety, and  
25 the date the bids or proposals will be opened, which shall be at least 7 days after the

1 date of the last insertion of the notice or at least 7 days after the date of posting on  
2 the Internet.

3 (b) When the estimated cost is \$25,000 or less, the authority may award the  
4 contract in accordance with simplified procedures established by the authority for  
5 such transactions.

6 (c) For purposes of clarification, the authority may discuss the requirements  
7 of the proposed contract with any person who submits a bid or proposal and shall  
8 permit any offerer to revise his or her bid or proposal to ensure its responsiveness to  
9 those requirements.

10 **(3)** (a) The authority shall determine which bids or proposals are reasonably  
11 likely to be awarded the contract and shall provide each offerer of such a bid or  
12 proposal a fair and equal opportunity to discuss the bid or proposal. The authority  
13 may negotiate with each offerer in order to obtain terms that are advantageous to  
14 the authority. Prior to the award of the contract, any offerer may revise his or her  
15 bid or proposal. The authority shall keep a written record of all meetings,  
16 conferences, oral presentations, discussions, negotiations, and evaluations of bids or  
17 proposals under this section.

18 (b) In opening, discussing, and negotiating bids or proposals, the authority may  
19 not disclose any information that would reveal the terms of a competing bid or  
20 proposal.

21 **(4)** (a) After receiving each offerer's best and final offer, the authority shall  
22 determine which proposal is most advantageous and shall award the contract to the  
23 person who offered it. The authority's determination shall be based only on price and  
24 the other evaluation factors specified in the request for bids or proposals. The

1 authority shall state in writing the reason for the award and shall place the  
2 statement in the contract file.

3 (b) Following the award of the contract, the authority shall prepare a register  
4 of all bids or proposals.

5 **636.78 Political activities.** (1) No employee of the authority may directly  
6 or indirectly solicit or receive subscriptions or contributions for any partisan political  
7 party or any political purpose while engaged in his or her official duties as an  
8 employee. No employee of the authority may engage in any form of political activity  
9 calculated to favor or improve the chances of any political party or any person seeking  
10 or attempting to hold partisan political office while engaged in his or her official  
11 duties as an employee or engage in any political activity while not engaged in his or  
12 her official duties as an employee to such an extent that the person's efficiency during  
13 working hours will be impaired or that he or she will be tardy or absent from work.  
14 Any violation of this section is adequate grounds for dismissal.

15 (2) If an employee of the authority declares an intention to run for partisan  
16 political office, the employee shall be placed on a leave of absence for the duration  
17 of the election campaign and if elected shall no longer be employed by the authority  
18 on assuming the duties and responsibilities of such office.

19 (3) An employee of the authority may be granted, by the executive director, a  
20 leave of absence to participate in partisan political campaigning.

21 (4) Persons on leave of absence under sub. (2) or (3) shall not be subject to the  
22 restrictions of sub. (1), except as they apply to the solicitation of assistance,  
23 subscription, or support from any other employee in the authority.

1           **636.80 Financial disclosure. (1)** In this section, “individual required to file”  
2 means a person who is a member of the board of the authority or the executive  
3 director of the authority.

4           **(2)** Each individual who in January of any year is an individual required to file  
5 shall file with the ethics commission no later than April 30 of that year a statement  
6 of economic interests meeting each of the requirements of s. 19.44 (1). The  
7 information contained on the statement shall be current as of December 31 of the  
8 preceding year.

9           **(3)** An individual required to file shall file with the ethics commission a  
10 statement of economic interests meeting each of the requirements of s. 19.44 (1) no  
11 later than 21 days following the date he or she assumes a position on the board or  
12 the position of executive director if the individual required to file has not previously  
13 filed a statement of economic interests with the ethics commission during that year.  
14 The information on the statement shall be current as per the date he or she assumes  
15 the position.

16           **(4)** If an individual required to file fails to make a timely filing, the ethics  
17 commission shall promptly provide notice of the delinquency to the secretary of  
18 administration, and to the executive director of the authority, or the chairperson of  
19 the board if the executive director’s filing is untimely. Upon such notification, both  
20 the secretary of administration and the executive director, or chairperson, shall  
21 withhold all payments for compensation, reimbursement of expenses, and other  
22 obligations to the individual until the ethics commission notifies those to whom  
23 notice of the delinquency was provided that the individual has complied with this  
24 section.

1           (5) On its own motion or at the request of any individual required to file a  
2 statement of economic interests, the ethics commission may extend the time for filing  
3 or waive any filing requirement if the ethics commission determines that the literal  
4 application of the filing requirements of this subchapter would work an  
5 unreasonable hardship on that individual or that the extension of the time for filing  
6 or waiver is in the public interest. The ethics commission shall set forth in writing  
7 as a matter of public record its reason for the extension or waiver.

8           (6) (a) Any person who violates this section may be required to forfeit not more  
9 than \$500 for each violation. If the court determines that the accused has realized  
10 economic gain as a result of the violation, the court may, in addition, order the  
11 accused to forfeit the amount gained as a result of the violation. The attorney  
12 general, when so requested by the ethics commission, shall institute proceedings to  
13 recover any forfeiture incurred under this subsection that is not paid by the person  
14 against whom it is assessed.

15           (b) Any person who intentionally violates this section shall be fined not less  
16 than \$100 nor more than \$5,000 or imprisoned not more than one year in the county  
17 jail or both.

18           **636.82 Conflict of interest prohibited; exception.** (1) Except in  
19 accordance with the ethics commission's advice under s. 19.46 (2) (a) and except as  
20 otherwise provided in sub. (2), a member of the board and the executive director may  
21 not do any of the following:

22           (a) Take any official action substantially affecting a matter in which the board  
23 member or executive director, a member of his or her immediate family, or an  
24 organization with which the board member or director is associated has a substantial  
25 financial interest.



1 (b) Use his or her office or position in a way that produces or assists in the  
2 production of a substantial benefit, direct or indirect, for the board member or  
3 executive director, one or more members of his or her immediate family either  
4 separately or together, or an organization with which the board member or executive  
5 director is associated.

6 (2) This section does not prohibit a board member or the executive director from  
7 taking any action concerning the lawful payment of salaries or employee benefits or  
8 reimbursement of actual and necessary expenses.

9 (3) (a) Any person who violates this section may be required to forfeit not more  
10 than \$5,000 for each violation. If the court determines that the accused has realized  
11 economic gain as a result of the violation, the court may, in addition, order the  
12 accused to forfeit the amount gained as a result of the violation. The attorney  
13 general, when so requested by the ethics commission, shall institute proceedings to  
14 recover any forfeiture incurred under this subsection that is not paid by the person  
15 against whom it is assessed.

16 (b) Any person who intentionally violates this section shall be fined not less  
17 than \$100 nor more than \$5,000 or imprisoned not more than one year in the county  
18 jail or both.

19 **636.84 Liability; expenses; limitations.** (1) Neither the state, nor any  
20 political subdivision of the state, nor any officer, employee, or agent of the state or  
21 a political subdivision who is acting within the scope of employment or agency is  
22 liable for any debt, obligation, act, or omission of the authority.

23 (2) All of the expenses incurred by the authority in exercising its duties and  
24 powers under this chapter shall be payable only from funds of the authority.

