

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: **06/2/99**

Received By: **yacketa**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 6-7044**

By/Representing: **Goldman**

This file may be shown to any legislator: **NO**

Drafter: **yacketa**

May Contact:

Alt. Drafters:

Subject: **Public Assistance - med. assist.**

Extra Copies: **DAK**

Pre Topic:

LFB:.....Goldman -

Topic:

Badgercare eligibility (and COBRA)

Instructions:

See Attached;

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	yacketa 06/4/99	ygeller 06/4/99	mclark 06/7/99	_____	lrb_docadmin 06/7/99		

FE Sent For:

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p 752, line 20
§ 1470 m

Senator Shibilski

HEALTH AND FAMILY SERVICES -- MEDICAL ASSISTANCE

BadgerCare Eligibility
[Paper #476]

Motion:

Move to modify statutory provisions relating to BadgerCare eligibility to specify that individuals who have had COBRA coverage within three months prior to application would not be ineligible for coverage under BadgerCare.

Note:

Under the terms of the federal waiver authorizing the state to implement BadgerCare, individuals who were covered by a health insurance policy within the three months prior to BadgerCare application are not eligible for BadgerCare.

Under the motion, individuals who had COBRA coverage within the three months prior to application for BadgerCare would be exempt from this policy. Under COBRA, employees who terminate employment for any reason other than gross misconduct, those whose hours are reduced, and dependents of these employees may continue the group coverage for up to 18 months. Dependents may continue coverage for up to 36 months if they lose coverage for any of the following reasons: death of the employee, divorce from the employee, the dependent has reached the maximum age under the policy, or the employee becomes eligible for Medicare. Disabled employees can continue coverage for up to 29 months.

This motion would expand eligibility for BadgerCare by permitting some families that are not currently eligible for BadgerCare to qualify for coverage. However, it is not known how many additional families would qualify and enroll in BadgerCare as a result of this change.

EMT's) [895.48 (1)]; **duty to aid crime victim or summon police or report crime to law enforcement if there is a threat to bodily harm to victim [940.34](83a198)**

"good time" mandatory release, parole: mandatory and early release, sentence reduction: significantly amended by 83a528 -- mandatory release date established at two-thirds of sentence if inmate acts properly and performs all required duties (good behavior); (formerly, sentences were diminished by 1 day for each 2 days of good behavior). renumbered from 302.11 to 53.11. Under new rules, inmate who violates any prison regulation or refuses or neglects to perform required or assigned duties is subject to extension of mandatory release date as follows: 10 days for first offense, 20 days for second offense and 40 days for third and each subsequent offense. Extensions of sentence due to bad behavior may extend stay in prison up to maximum original sentence length.

Mandatory release from prison on parole for persons convicted of certain serious felony crimes [973.0135] (93a195)
*parole eligibility: after 25% of sentence or 6 months, whichever is greater [304.06 (1) (b)] *reimbursement fees for parole and probation [304.073, 074; DOC 328] (95a27)

government contracts -- interest on late payments: state [16.528]; local [66.285] **"prompt pay"**

graffiti penalties [943.017, 973.07] (95a24) "marking property of others without owner's consent"; parents responsible for cost of repair or removal of graffiti, ordinance violations [895.035 (2g)] (95a262)

grandparents visitation rights [767.245; 880.155] (87a355); petition for visitation after adoption [48.925] (91a191); *grandparent included in definition of relative 48.02 (15)*.

grandparent liability for supporting children of minor children [49.90 (1) (a) 2.; 948.22] (85a56; 87a399).

granting visitation rights to grandparents -- petition allowed in cases where the grandparent maintains a relationship with child born out of wedlock and the relationship is in jeopardy of being cut off by the parent who has legal custody. Judge will have authority to decide if visitation is in the child's best interest [767.245 (3), (3c), (3m), (4) & (5)] (95a68)

groundwater management protection act [144.951](83a410); groundwater protection standards [160.001...]; septic tanks, environmental repair [ILHR 83 septic system nitrate rule; 160.19 (7) - (9)]

harassment -- see "stalking"

hate crimes / bigotry crimes -- enhanced penalty [939.645; 943.012; 895.75] (87a348); amended to include perception (91a291); ruled unconstitutional by WI Supreme Court in 1992 [169 Wis 2d 153] but upheld as constitutional by US Supreme Court on appeal [*Wisconsin v. Mitchell*, 113 S.Ct. 2194]; civil actions [939.645 (1)(b), (4)](91a291)

hazardous substances on municipally owned property -- limiting municipal liability [144.4422] (93a453); purchaser liability [144.765] (93a453) "brownfields" and land recycling [234.88, 281.60 and 560.13] (97a27)

health care providers: immunity from civil liability at athletic events [895.48](93a109)

health insurance -- state: group health insurance market reform, coverage requirements of employer-sponsored medical benefit plans, including portability, guaranteed acceptance and renewal -- preexisting conditions [632.745...] (95a289, 97a27, 97a237)

health insurance -- federal: **Health Insurance Portability and Accountability Act of 1996 (HIPAA)**
For new and renewed employer medical plans beginning 1 July 1997 (P.L. 104-191) Features included enhanced access, portability between jobs, renewability - reduces or eliminates limitation periods for preexisting conditions. HIPAA added newborns and newly adopted children to be added to parents' coverage. OCI Health Section 267-1230 or (800) 236-8517. Forerunner was Title I of Employee Retirement Income Security Act of 1974 (ERISA)

HMO managed care protections [Ch. 609] (97a237): continuity of care, sufficient number and variety of primary care providers within reasonable driving distance.

COBRA (*consolidated omnibus budget reconciliation act of 1985*) post-termination continuation health insurance coverage: for up to 18 months after being fired or leaving employment -- may elect to be covered by former employer's medical plan but person must pay the full unsubsidized premium. Continuation coverage in Public Health and Welfare Code: 42 USC 300bb-2 for maximum periods; 300bb-2 for qualifying events. Also in Internal Revenue Code 26 USC 4980B

TMJ: coverage required for **temporomandibular** joint disorders (jaw disease) [632.895 (11), 609.78] (97a27)

health insurers required to provide claims experience information to policyholders [632.797] (93a448); group health insurance plan for small businesses and employers [ch. 635](91a250); notice of loss of primary insurance at age 65 [632.793] (93a108)

HMO's are required to provide a second opinion by a participating plan physician [609.22 (5)] (97a237).

However, these managed-care plans are not required to pay for a 2nd opinion from outside the plan.



(Soon)
State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0489/1
TAY.....

JLG

LFB:.....Goldman – Badgercare eligibility (and COBRA)

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

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

2 1. Page 752, line 20: after that line insert:

3 "SECTION ~~49.665~~ ^{1470d} (4) (a) 3. of the statutes is amended to read:

4 49.665 (4) (a) 3. The family has not had access to employer-subsidized health
5 care coverage within the time period established by the department by rule, but not
6 to exceed 18 months, immediately preceding application for health care coverage
7 under this section. The department may establish exceptions to this ~~subdivision~~
8 time period restriction by rule. An individual is not ineligible for health care
9 coverage under this section [✓] solely because the individual had continuation coverage

1 under 42 USC 300bb-1, et seq., at any time prior to applying for health care coverage

2 under this section.”

History: 1997 a. 27, 237.

3

(END) ✓



State of Wisconsin
1999 - 2000 LEGISLATURE

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12

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