

2001 DRAFTING REQUEST

Bill

Received: 12/13/2000

Received By: **kahlepj**

Wanted: **As time permits**

Identical to LRB:

For: **John Lehman (608) 266-0634**

By/Representing: **Tim**

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

Drafter: **kahlepj**

May Contact:

Alt. Drafters:

Subject: **Insurance - health**

Extra Copies:

Pre Topic:

No specific pre topic given

Topic:

Require health insurance policies to cover hearing testing and hearing aids

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>
/?	kahlepj 12/13/2000	wjackson 12/19/2000		_____			S&L
/1			rschluet 12/21/2000	_____	lrb_docadmin 12/21/2000	lrb_docadmin 01/16/2001	

FE Sent For:

<END>

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/?	kahlepj	1 WLJ 12/19	<i>[Signature]</i> 12.20.00	<i>[Signature]</i> 12.20.00			

FE Sent For:

<END>

LEGISLATIVE REFERENCE BUREAU

BILL REQUEST FORM

Legal Section, 5th Floor, 100 N. Hamilton St.
(608) 266-3561

PJK

Use of this form is optional. It is often helpful to talk directly with the LRB attorney who will draft the bill.
Use this form only for **BILL** drafts. Attach more pages if necessary.

Date of request: 12/11/00	Legislator or agency requesting this draft: Rep. John Lehman
Name/phone number of person submitting request: Tim 266-0635	
Persons to contact for questions about this draft (names and phone numbers please): Tim 266-0635	
Describe the problem, including any helpful examples. How do you want to solve the problem? AB 812 Please redraft this bill for introduction 2001 session	
If you know of any statute sections that might be affected, please list them or provide a marked (not re-typed) copy.	

Please attach a copy of any correspondence or material that may help us. You may also attach a marked (not re-typed) copy of any LRB draft, or provide its number (e.g., 1997 LRB-2345/1 or 1995 AB-67):

Requests are confidential unless stated otherwise.

May we tell others that we are working on this for you? YES NO

If yes, anyone who asks? YES NO

Any legislator? YES NO ONLY the following persons:

Do you consider this urgent? YES NO If yes, please indicate why:

Is this request of higher priority than other pending request(s) you have made?

YES NO If yes, please sign your name here:



1999 ASSEMBLY BILL 812

February 29, 2000 – Introduced by Representatives J. LEHMAN, BOOK, POCAN, RYBA, YOUNG, MILLER, BERCEAU, WASSERMAN and WAUKAU. Referred to Committee on Health.

regenerate ↓

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 60.23 (25), 66.184, 111.91 (2) (n), 120.13
2 (2) (g), 185.981 (4t) and 185.983 (1) (intro.); and *to create* 609.86 and 632.895
3 (14) of the statutes; **relating to:** health insurance coverage of hearing testing
4 and hearing aids.

Analysis by the Legislative Reference Bureau

*
Current law requires health insurance policies, called disability insurance policies in the statutes, and self-insured health plans of the state and municipalities to provide coverage of various health care services and medical procedures, including mammograms, breast reconstruction incident to mastectomy, lead poisoning screening and treatment for the correction of temporomandibular disorders. This bill requires a health insurance policy or a self-insured health plan of the state or of a county, city, village or school district to provide coverage of the cost of hearing tests performed by certain persons, including audiologists and physicians, and of the cost, up to \$1,000, of hearing aids for an insured who is certified as hearing impaired by a physician or an audiologist. The cost of fitting the hearing aids and hearing testing for the purpose of fitting the hearing aids must also be covered if performed by certain persons, including physicians, hearing instrument specialists and audiologists. With some exceptions, the coverage requirement applies to all types of health care policies and plans, including managed care plans and plans of cooperative sickness care associations, and to both individual and group policies and plans. The requirement specifically does not apply to policies that cover only certain specified diseases or to limited service health organizations. *

ASSEMBLY BILL 812

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 40.51 (8) of the statutes is amended to read:

2 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.746 (1) to (8) and (10),
4 632.747, 632.748, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to
5 ~~(13)~~ (14) and 632.896.

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

7 40.51 (8m) Every health care coverage plan offered by the group insurance
8 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747,
9 632.748, 632.85, 632.853, 632.855 and 632.895 (11) to ~~(13)~~ (14).

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

11 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its
12 officers and employes on a self-insured basis if the self-insured plan complies with
13 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,
14 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to ~~(13)~~ (14) and 632.896.

15 **SECTION 4.** 66.184 of the statutes, as affected by 1999 Wisconsin Act 9, is
16 amended to read:

17 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a
18 village provides health care benefits under its home rule power, or if a town provides
19 health care benefits, to its officers and employes on a self-insured basis, the
20 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),

ASSEMBLY BILL 812

1 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
2 632.895 (9) to ~~(13)~~ (14), 632.896 and 767.25 (4m) (d).

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

4 111.91 (2) (n) The provision to employes of the health insurance coverage
5 required under s. 632.895 (11) to ~~(13)~~ (14).

6 **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1999 Wisconsin Act 9,
7 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), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
10 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(13)~~ (14), 632.896 and
11 767.25 (4m) (d).

12 **SECTION 7.** 185.981 (4t) of the statutes is amended to read:

13 185.981 (4t) A sickness care plan operated by a cooperative association is
14 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.853, 632.855,
15 632.87 (2m), (3), (4) and (5), 632.895 (10) to ~~(13)~~ (14) and 632.897 (10) and chs. 149
16 and 155.

17 **SECTION 8.** 185.983 (1) (intro.) of the statutes is amended to read:

18 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
19 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
20 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72
21 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853, 632.855, 632.87
22 (2m), (3), (4) and (5), 632.895 (5) and (9) to ~~(13)~~ (14), 632.896 and 632.897 (10) and
23 chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

24 **SECTION 9.** 609.86¹ of the statutes is created to read:

Insert 3-23

9

ASSEMBLY BILL 812

SECTION 9

1 609.86 Coverage of hearing testing and hearing aids. Managed care
2 plans are subject to s. 632.895 (~~14~~). ¹⁵

3 SECTION 10. 632.895 (~~14~~) of the statutes is created to read: ¹⁵

4 632.895 (~~14~~) HEARING TESTING AND HEARING AIDS. (a) In this subsection: ¹⁵

5 1. "Hearing aid" has the meaning given in s. 459.01 (2).¹

6 2. "Physician" has the meaning given in s. 448.01 (5).¹

7 (b) Except as provided in par. (c), every disability insurance policy, and every
8 self-insured health plan of the state or a county, city, village, town or school district,
9 shall provide coverage of all of the following:

10 1. The cost of hearing testing performed for the purpose of determining
11 whether an insured under the policy or plan is hearing impaired by a person exempt
12 under s. 459.14 (2) from the requirements of subch. I of ch. 459, an audiologist
13 licensed under subch. II of ch. 459 or a physician.

14 2. The cost, up to \$1,000, of hearing aids for an insured under the policy or plan
15 who is certified as hearing impaired by an audiologist licensed under subch. II of ch.
16 459 or a physician.

17 3. The cost of hearing testing performed by a person exempt under s. 459.14 (2)
18 from the requirements of subch. I of ch. 459, a hearing instrument specialist licensed
19 under subch. I of ch. 459, an audiologist licensed under subch. II of ch. 459 or a
20 physician for the purpose of fitting the hearing aids under subd. 2., or performed by
21 a hearing instrument specialist licensed under subch. I of ch. 459, an audiologist
22 licensed under subch. II of ch. 459 or a physician for the purpose of selling the hearing
23 aids under subd. 2.

ASSEMBLY BILL 812

1 4. The cost of fitting the hearing aids under subd. 2. by a hearing instrument
2 specialist licensed under subch. I of ch. 459, an audiologist licensed under subch. II
3 of ch. 459 or a physician.

4 (c) The coverage requirement under par. (b) does not apply to any of the
5 following:

6 1. A disability insurance policy that covers only certain specified diseases.

7 2. A health care plan that is offered by a limited service health organization,
8 as defined in s. 609.01 (3).[✓]

9 3. A health care plan that is offered by a preferred provider plan, as defined in
10 s. 609.01 (4),[✓] and that is not a managed care plan, as defined in s. 609.01 (3c).[✓]

11 **SECTION 11. Initial applicability.**

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

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

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

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

20 2. The day on which the collective bargaining agreement is extended, modified
21 or renewed.[✓]

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

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

2001-2002 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1507?ins
PJK.....

INSERT 3-23

1 #
SECTION ~~4~~ 40.51 (8) of the statutes is amended to read:

2 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
4 and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to
5 (5), 632.895 (5m) and (8) to ~~(14)~~ (15)^v and 632.896.

6 ~~NOTE: NOTE: NOTE: Sub. (8) is shown as affected by three acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
History: 1981 c. 96; 1983 a. 27; 1984 a. 29; 1987 a. 27, 107, 356; 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993
a. 450, 481; 1995 a. 289; 1997 a. 27, 134, 202, 237, 252; 1999 a. 32, 95, 115, 155; s. 13.93 (2) (c).

7 SECTION ~~4~~ 40.51 (8m)^v of the statutes is amended to read:

8 40.51 (8m) Every health care coverage plan offered by the group insurance
9 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,
10 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15)^v.

11 ~~NOTE: NOTE: NOTE: Sub. (8m) is shown as affected by three acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~
History: 1981 c. 96; 1983 a. 27; 1984 a. 29; 1987 a. 27, 107, 356; 1987 a. 403 s. 256; 1989 a. 31, 93, 121, 129, 182, 201, 336, 359; 1991 a. 39, 70, 113, 152, 269, 315, 1993
a. 450, 481; 1995 a. 289; 1997 a. 27, 134, 202, 237, 252; 1999 a. 32, 95, 115, 155; s. 13.93 (2) (c).

12 SECTION ~~3~~ 60.23 (25)^v of the statutes is amended to read:

13 60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its
14 officers and employees on a self-insured basis if the self-insured plan complies with
15 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,
16 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) and (11) to ~~(14)~~ (15)^v and 632.896.

History: 1983 a. 532, 1985 a. 316, 25, 1987 a. 203, 1989 a. 121, 197, 276, 359; 1991 a. 28, 296; 1993 a. 103, 246, 456; 1995 a. 27/ ss. 3300m, 9116 (5); 1995 a. 77, 201,
289, 448; 1997 a. 27, 111, 155, 237; 1999 a. 115; 1999 a. 150 ss. 8, p. 672.

17 SECTION ~~4~~ 66.0137 (4)^v of the statutes is amended to read:

18 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
19 a village provides health care benefits under its home rule power, or if a town
20 provides health care benefits, to its officers and employees on a self-insured basis,
21 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
22 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5),
23 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.25 (4m) (d).

History: 1999 a. 9, 115; 1999 a. 150 ss. 34, 303 to 306; Stats. 1999 s. 66.0137; 1999 a. 186 s. 63.

1 ~~SECTION 111.91~~ [✓] 111.91 (2) (n) of the statutes is amended to read:

2 111.91 (2) (n) The provision to employees of the health insurance coverage
3 required under s. 632.895 (11) to ~~(14)~~ (15).[✓]

History: 1971 c. 270; 1975 c. 39, 234; 1977 c. 196; 1979 c. 221; 1983 a. 27; 1985 a. 42; 1987 a. 27, 287, 331; 1989 a. 13, 31, 323; 1991 a. 269, 289; 1995 a. 27, 289; 1995 a. 302 s. 48; 1997 a. 27, 35, 155, 237; ~~1999 a. 9, 95, 115, 155.~~

4 ~~SECTION 120.13~~ [✓] 120.13 (2) (g) of the statutes is amended to read:

5 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
6 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
7 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to ~~(14)~~ (15),[✓] 632.896, and
8 767.25 (4m) (d).

History: 1973 c. 94, 290; 1975 c. 115, 321; 1977 c. 206, 211, 418, 429; 1979 c. 20, 202, 221, 301, 355; 1981 c. 96, 314, 335; 1983 a. 27, 193, 207, 339, 370, 518, 538; 1985 a. 29 ss. 1725e to 1726m, 1731; 1985 a. 101, 135, 211; 1985 a. 218 ss. 12, 13, 22; 1985 a. 332; 1987 a. 88, 187; 1989 a. 31, 201, 336, 359; 1991 a. 39, 226, 269; 1993 a. 16, 27, 284, 334, 399, 450, 481, 491; 1995 a. ~~25~~ ss. 4024, 9126 (19), 9145 (1); 1995 a. 29, 32, 33, 65, 75, 225, 235, 289, 439; 1997 a. 27, 155, 164, 191, 237, 335; 1999 a. 9, 19, 73, 83, 115, 128; 1999 a. 150 s. 672; 1999 a. 186.

9 ~~SECTION 185.981~~ [✓] 185.981 (4t) of the statutes is amended to read:

10 185.981 (4t) A sickness care plan operated by a cooperative association is
11 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
12 632.853, 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (10) to ~~(14)~~ (15), and 632.897
13 (10) and chs. 149 and 155.

NOTE: NOTE: Sub. (4t) is shown as affected by two acts of the 1999 legislature and as merged by the reviser under s. 13.93 (2)(c). NOTE:

History: 1971 c. 40 s. 93; 1971 c. 307 s. 118; 1975 c. 98; 1975 c. 223 s. 28; 1975 c. 224 s. 146; 1975 c. 421; 1981 c. 39 s. 22; 1981 c. 205; 1981 c. 391 s. 210; 1985 a. 29; 1985 a. 30 s. 42; 1987 a. 27 ss. 1917e, 3202 (47) (a); 1987 a. 312 s. 17; 1989 a. 121, 129, 200, 201, 336; 1991 a. 39, 123, 269; 1993 a. 27, 450, 481; 1995 a. 27, 118, 289; 1997 a. 27, 155, 237; 1999 a. 95, 115; s. 13.93 (2)(c).

14 ~~SECTION 185.983~~ [✓] 185.983 (1) (intro.) of the statutes is amended to read:

15 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
16 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
17 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
18 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
19 632.855, 632.87 (2m), (3), (4), and (5), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
20 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
21 shall:

~~NOTE: NOTE: NOTE: Sub. (1)(intro.) is shown as affected by two acts of the 1999 legislature and as merged by the revisor under s. 13.93 (2) (c). NOTE:~~

~~History: 1975 c. 98; 1975 c. 224 s. 146; 1975 c. 352; 1975 c. 422 s. 163; 1977 c. 339; 1979 c. 89; 1981 c. 20; 1981 c. 39 s. 22; 1981 c. 82; 1981 c. 391 s. 210; 1983 a. 189 s. 329 (25); 1983 a. 396; 1985 a. 29 ss. 2060d to 2060r, 3202 (30); 1987 a. 27, 325; 1989 a. 23, 31, 129, 200, 201, 336, 359; 1991 a. 39, 189, 250, 269, 315; 1993 a. 450, 481, 482; 1995 a. 289; 1997 a. 27, 155, 237; 1999 a. 95, 115; s. 13.93 (2) (c).~~

~~(END OF INSERT 3-23)~~



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

100 NORTH HAMILTON STREET
5TH FLOOR
MADISON, WI 53701-2037

STEPHEN R. MILLER
CHIEF

LEGAL SECTION: (608) 266-3561
LEGAL FAX: (608) 264-6948

December 21, 2000

MEMORANDUM

To: Representative J. Lehman

From: Pamela J. Kahler, Senior Legislative Attorney

Re: LRB-1507 Require health insurance policies to cover hearing testing and hearing aids

The attached draft was prepared at your request. Please review it carefully to ensure that it is accurate and satisfies your intent. If it does and you would like it jacketed for introduction, please indicate below for which house you would like the draft jacketed and return this memorandum to our office. If you have any questions about jacketing, please call our program assistants at 266-3561. Please allow one day for jacketing.

JACKET FOR ASSEMBLY JACKET FOR SENATE

If you have any questions concerning the attached draft, or would like to have it redrafted, please contact me at (608) 266-2682 or at the address indicated at the top of this memorandum.

If the last paragraph of the analysis states that a fiscal estimate will be prepared, the LRB will request that it be prepared after the draft is introduced. You may obtain a fiscal estimate on the attached draft before it is introduced by calling our program assistants at 266-3561. Please note that if you have previously requested that a fiscal estimate be prepared on an earlier version of this draft, you will need to call our program assistants in order to obtain a fiscal estimate on this version before it is introduced.

Please call our program assistants at 266-3561 if you have any questions regarding this memorandum.