

## 2001 ASSEMBLY BILL 379

May 8, 2001 – Introduced by Representatives GARD, MONTGOMERY, STARZYK, LADWIG, HUEBSCH, KRAWCZYK, BIES, SERATTI, JESKEWITZ, SUDER, KEDZIE, HUNDERTMARK, GUNDRUM, McCORMICK, LEIBHAM, PETTIS, STONE, J. FITZGERALD, GUNDERSON, OWENS, URBAN, WARD, FREESE, LOEFFELHOLZ, PLALE, GROTHMAN, SYKORA, OTT, KREIBICH, ALBERS, NASS and RYBA, cosponsored by Senators BAUMGART, ROESSLER, COWLES, WELCH and SCHULTZ. Referred to Committee on Health.

1     **AN ACT to amend** 20.927 (1), 20.927 (2) (a) and 20.927 (2) (b); and **to create**  
 2             20.927 (3g) and 20.927 (3r) of the statutes; **relating to:** expanding physician  
 3             certification requirements for publicly funded abortions, requiring quarterly  
 4             reports, and requiring review of the reports and publication of an annual  
 5             summary of report information.

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

Under current law, state and local funds and federal funds passing through the state treasury may not be authorized or paid for the performance of an abortion, except to save the life of the woman, in a case of sexual assault or incest, or if, due to a medical condition that existed before the abortion, a physician determines that the abortion is directly and medically necessary to prevent grave, long-lasting physical health damage to the woman. In each of the exceptions to the general prohibition on the use of public funds for an abortion, a physician must sign a certification specifying and attesting to the direct medical necessity of the abortion (and, in the instance of sexual assault or incest, attesting to the physician's belief that the sexual assault or incest occurred). The certification must be affixed to the claim form or invoice when submitted to an agency or fiscal intermediary of the state for payment.

This bill requires that a physician's certification attesting to the direct medical necessity of an abortion be affixed to the claim form or invoice when submitted by a physician to a health care coverage provider for payment or submitted for payment

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to any agency or fiscal intermediary of the state or a county, city, village, town, or family care district or of a subdivision of the state or a county, city, village, town, or family care district. The bill requires that, in the quarter following any quarter in which a physician provides a publicly funded abortion, the physician or health care coverage provider, if any, submit to the agency that contracted for the services the number of permitted publicly funded abortions provided in the previous quarter and the reason and total cost for each abortion. Lastly, the bill requires the agency that receives the report to forward a copy to the department of health and family services, which must, in turn, review the data for compliance with the prohibition and annually publish a summary of the information obtained.

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

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

1           **SECTION 1.** 20.927 (1) of the statutes is amended to read:

2           20.927 (1) Except as provided under subs. (2) and (3), no funds of this state or  
3 of any county, city, village, town or family care district under s. 46.2895 or of any  
4 subdivision or agency of this state or of any county, city, village ~~or~~, town, or family care  
5 district and no federal funds passing through the state treasury shall be authorized  
6 for or paid to a physician or surgeon or a hospital, clinic or other medical facility for  
7 the performance of an abortion.

8           **SECTION 2.** 20.927 (2) (a) of the statutes is amended to read:

9           20.927 (2) (a) This section does not apply to the performance by a physician of  
10 an abortion which is directly and medically necessary to save the life of the woman  
11 or in a case of sexual assault or incest, provided that prior thereto the physician signs  
12 a certification which so states, and provided that, in the case of sexual assault or  
13 incest the crime has been reported to the law enforcement authorities. The  
14 certification shall be affixed to the claim form or invoice when submitted to any  
15 agency or fiscal intermediary of the state for payment or when submitted by a

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1 physician to a health care coverage provider for payment or for submittal to any  
2 agency or fiscal intermediary of the state or a county, city, village, town, or family care  
3 district, or of a subdivision of the state or a county, city, village, town, or family care  
4 district for payment, and shall specify and attest to the direct medical necessity of  
5 such the abortion upon the best clinical judgment of the physician or attest to his or  
6 her belief that sexual assault or incest has occurred.

7 **SECTION 3.** 20.927 (2) (b) of the statutes is amended to read:

8 20.927 **(2)** (b) This section does not apply to the performance by a physician of  
9 an abortion if, due to a medical condition existing prior to the abortion, the physician  
10 determines that the abortion is directly and medically necessary to prevent grave,  
11 long-lasting physical health damage to the woman, provided that prior thereto the  
12 physician signs a certification which so states. The certification shall be affixed to the  
13 claim form or invoice when submitted to any agency or fiscal intermediary of the  
14 state for payment or when submitted by a physician to a health care coverage  
15 provider for payment or for submittal to any agency or fiscal intermediary of the state  
16 or a county, city, village, town, or family care district, or of a subdivision of the state  
17 or a county, city, village, town, or family care district for payment, and shall specify  
18 and attest to the direct medical necessity of such the abortion upon the best clinical  
19 judgment of the physician.

20 **SECTION 4.** 20.927 (3g) of the statutes is created to read:

21 20.927 **(3g)** In the quarter following any annual quarter in which a physician  
22 provides an abortion using funds specified under sub. (1), the physician or, if any,  
23 health care coverage provider shall submit a written report to the agency that  
24 contracted for the services of the physician. The report shall specify the number of  
25 abortions provided in the previous quarter by the health care coverage provider to

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1 individuals for whom the use of funds specified under sub. (1) for an abortion is  
2 permitted under this section, the reason for each abortion, and the total cost of each  
3 abortion.

4 **SECTION 5.** 20.927 (3r) of the statutes is created to read:

5 20.927 **(3r)** The agency that receives a report under sub. (3g) shall forward to  
6 the department of health and family services a copy of each report submitted. The  
7 department of health and family service shall review the data for compliance with  
8 this section and annually publish a summary of the information obtained under this  
9 subsection.

10 **(END)**