

**2001 DRAFTING REQUEST**

**Assembly Amendment (AA-AB674)**

Received: 01/11/2002

Received By: kahlepj

Wanted: As time permits

Identical to LRB:

For: Spencer Black (608) 266-7521

By/Representing: Susan McMurray

This file may be shown to any legislator: NO

Drafter: kahlepj

May Contact:

Addl. Drafters:

Subject: Insurance - health

Extra Copies:

Submit via email: YES

Requester's email: Rep.Black@legis.state.wi.us

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Update bill for changes in Act 16

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**Instructions:**

See Attached

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**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 01/14/2002	jdye 01/16/2002		_____			
/1			jfrantze 01/16/2002	_____	lrb_docadmin 01/16/2002	lrb_docadmin 01/16/2002	

FE Sent For:

<END>

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1?	kahlepj	11/16 JLD	11/16 JLD	Self 1/16			

FE Sent For:

<END>

**Kahler, Pam**

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**From:** McMurray, Susan  
**Sent:** Friday, January 11, 2002 4:35 PM  
**To:** Kahler, Pam  
**Subject:** AB 674, smoking cessation

Friday, January 11, 2002

**To:** Pam Kahler  
Legislative Reference Bureau

**From:** Susan McMurray  
Rep. Black's office

**Re:** AB 674  
Smoking cessation coverage by insurers

Jim Guidry from OCI called our office last week to ask about this bill, and to point out that the sections referring to chapter 109 need to be brought up-to-date because of changes adopted in the budget. Rep. Black would like an amendment to fix these parts of AB 674. If you have questions about this, feel free to call Jim at 4-6239, Eileen Mallow or Fred Nepple at OCI.

Jim also asked why the bill exempts preferred provider plans. I have not had a chance to discuss this with Rep. Black, but if you know why or if the bill drafting files for 2001 AB 674 or for 1999 AB 264 have any information that would shed light on this question, I would certainly appreciate hearing from you.

Finally, in your drafter's note dated September 12, 2000, you suggested we check to see if the federal department of health and human services has published any more recent smoking cessation guidelines than Clinical Practice Guideline Number 18 in publication number 96-0692. Dr. Pat Remington sent me a book entitled Treating Tobacco Use and Dependence, which was published in June 2000, which may (or may not) contain new guidelines for smoking cessation programs, but it is a lengthy book on a subject I am not familiar with, so I couldn't say whether there are new guidelines. I can send you the book if you are interested in looking it over. If the bill is scheduled for a hearing, I will certainly ask Legislative Council staff to look into this particular matter.

Thanks for your attention to this bill.



State of Wisconsin  
2001 - 2002 LEGISLATURE

LRBa1056/A  
PJK:.....

*JW*

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~  
**ASSEMBLY AMENDMENT ,  
TO 2001 ASSEMBLY BILL 674**

*SOON  
(1-14)  
D-vote*

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 3, line 23: delete "Managed care" and substitute "Defined network". ✓
- 3 **2.** Page 5, line 1: delete "managed" and substitute "defined network". ✓
- 4 **3.** Page 5, line 2: delete "care". ✓
- 5 **4.** Page 5, line 2: delete "(3c)" and substitute "(1b)". ✓

6 (END)

*D-vote*

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa1056/rdn  
PJK: ^:...

JLD

Susan:

1. I have changed the term "managed care plan" to "defined network plan" ✓ in this amendment. I assume that is the change made in the budget that Jim Guidry was referring to.

2. You had a question about why AB(674) excepts preferred provider plans from the requirement. The bill does not except all preferred provider plans, only those that are *not* defined network plans. The reason is very technical and has to do with the definition of a defined network plan as a health benefit plan. The definition of "health benefit plan" excludes limited-scope dental or vision benefits (see s. 609.01 (1g) (b) 9.). ✓ Thus, a preferred provider plan that only provides dental or vision benefits (as does the state's dental plan, which is a preferred provider plan) is not a "health benefit plan" or a "defined network plan." Basically, any preferred provider plan that provides limited benefits is excluded from the broader requirement of covering smoking cessation treatment. It wouldn't make sense to require those plans to cover something that is completely outside the scope of their usual coverage. That is the reason limited service health organizations also are excluded from the requirement of covering smoking cessation treatment.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: pam.kahler@legis.state.wi.us

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRBa1056/1dn  
PJK:jld:jf

January 16, 2002

Susan:

1. I have changed the term "managed care plan" to "defined network plan" in this amendment. I assume that is the change made in the budget that Jim Guidry was referring to.

2. You had a question about why AB-674 excepts preferred provider plans from the requirement. The bill does not except all preferred provider plans, only those that are *not* defined network plans. The reason is very technical and has to do with the definition of a defined network plan as a health benefit plan. The definition of "health benefit plan" excludes limited-scope dental or vision benefits (see s. 609.01 (1g) (b) 9.). Thus, a preferred provider plan that only provides dental or vision benefits (as does the state's dental plan, which is a preferred provider plan) is not a "health benefit plan" or a "defined network plan." Basically, any preferred provider plan that provides limited benefits is excluded from the broader requirement of covering smoking cessation treatment. It wouldn't make sense to require those plans to cover something that is completely outside the scope of their usual coverage. That is the reason limited service health organizations also are excluded from the requirement of covering smoking cessation treatment.

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