

2001 Jr2 DRAFTING REQUEST

Assembly Amendment (AA-AB1)

Received: 03/06/2002

Received By: **kenneda**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Fiscal Bureau 266-8017**

By/Representing: **Carabell**

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

Drafter: **kenneda**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous**

Extra Copies:

Submit via email: **NO**

Pre Topic:

LFB:.....Carabell -

Topic:

Senior Care modifications

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 | kenneda 03/07/2002 | csicilia 03/07/2002 | pgreensl 03/07/2002 | _____ | lrb_docadmin 03/07/2002 | | |
| /2 | kenneda 03/09/2002 | chanaman 03/09/2002 | chanaman 03/09/2002 | _____ | lrb_docadmin 03/10/2002 | | |

FE Sent For:

<END>

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
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/? kenneda

11 gjs ~~3/7~~
 3/7 pg Pg/LE
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<END>

FE Sent For:

Mar. 6. 2002 7:13PM
Post-It® Fax Note 7671

No. 5216 P. 1/1

| | |
|--------------------|-----------------------|
| LFB | |
| Date 3/6 | # of pages 1 |
| To Deborah Kennedy | From Rachel O'Carroll |
| Co./Dept. CRB | Co. LFB |
| Phone # | Phone # |
| Fax # | Fax # |

Senator Rosenzweig

HEALTH AND FAMILY SERVICES

SeniorCare

Motion:

Move to modify SeniorCare provisions to: (a) clarify that MA recipients eligible as qualified Medicare beneficiaries, special low-income Medicare beneficiaries and additional low-income Medicare beneficiaries would be eligible for SeniorCare; (b) specify that the exclusion of MA enrollees in SeniorCare would not apply to SeniorCare participants enrolled in MA under a demonstration project; and (c) clarify that SeniorCare benefits are only available to the individual found eligible based on the eligibility criteria specified in statute. In addition, modify current provisions to authorize DHFS to use information it collects from insurance companies to determine eligibility under BadgerCare and to determine third-party liability for participants in Family Care and SeniorCare.

16-91

ZZZZZZZZZZ ZZZZZZZZZZ

MO# 231
 Burke
 Decker
 Moore
 Shilski
 Plache
 Wirch
 Darling
 Rosenz
 Gard
 Kaufert
 Albers
 Duff
 Ward
 Huebsch
 Huber
 Coggs

Note:

This motion would: (a) specify that certain Medicare beneficiaries eligible for certain MA benefits, but not prescription drug coverage, would be eligible for SeniorCare (as intended in Act 16); (b) clarify that if an MA waiver were approved to implement SeniorCare as an MA demonstration project, participants in the demonstration project would be eligible for SeniorCare (current statutes specify that MA recipients are not eligible for SeniorCare, but under a waiver, SeniorCare participants would be MA recipients); and (c) clarify that family members of SeniorCare participants are not eligible for SeniorCare benefits.

Under current law, insurance companies operating in this state are required to provide information from insurance records to DHFS to use to determine third-party liability for costs for MA beneficiaries with other health care coverage. Additionally, DHFS currently uses this information to verify eligibility information for BadgerCare applicants and to determine third-party liability for Family Care participants. This motion would authorize DHFS to use the information it collects from insurance companies for all of the purposes for which it is currently used and would authorize its use to determine third-party liability under SeniorCare as well.

These minor statutory changes would not affect the projected costs of SeniorCare, since these changes are consistent with the assumptions used to determine the funding provided in Act 16.

| | | | | | |
|-------------------|---------------|------|---------|------------------|---|
| Post-it® Fax Note | 7671 | Date | 3/7 | # of pages | 3 |
| To | Debra Kennedy | | From | Rachell Carabell | |
| Co./Dept. | LRB | | Co. | LFB | |
| Phone # | | | Phone # | | |
| Fax # | | | Fax # | | |

DHFS

**Department of Health and Family Services
Statutory Language Request
October 25, 2001**

ATTN: Rachell C.
7.6873

Title: Senior Care Technical Statutory Changes

Current Language

- ✓ Medicare Beneficiaries with limited MA Coverage. S. 49.688(2)(a)3 excludes recipients of MA from eligibility for SeniorCare. As currently written, this exclusion would apply to low-income Medicare beneficiaries with limited MA coverage. Qualified Medicare Beneficiaries (QMBs), who must have income less than 100% of the federal poverty level (FPL), are eligible to have MA pay their copayments and deductibles for Medicare as well as the Medicare Part B premium. Specified low-income Medicare Beneficiaries (SLMBs), whose income must be below 135% of the FPL, are eligible to have MA pay all of their Medicare Part B premium while Additional Low-Income Medicare Beneficiaries (ALMBs), whose income must be below 175% of the FPL, are eligible to have MA pay a part of the Medicare Part B premium. QMBs, SLMBs, and ALMBs are not eligible for prescription drug coverage in a non-institutional setting either under MA or Medicare.

- ✓ Eligibility Under an MA Waiver. S. 49.688(11) requires that the Department pursue an MA waiver that would allow inclusion of the SeniorCare drug prescription benefits as a covered MA benefit so that the SeniorCare program would be eligible for MA reimbursement. However, s. 49.688(2)(a)3 excludes recipients of MA from eligibility for SeniorCare.

- ✓ Coverage of Other Members of Household. S. 49.688(2)(a) specifies that a person must meet all of the following conditions to be eligible for SeniorCare: (a) Wisconsin resident; (b) at least 65 years old; (c) not a recipient of MA; (d) annual household income less than 240% of the FPL; and (e) payment of a \$20 annual enrollment fee. However, s. 49.688(3)(d) states "this section applies only to costs for prescription drugs for the persons that are not covered under the person's other available coverage." Because the language refers to "persons" rather than person, this section has the implication that all members of the person's household would be eligible for prescription drug coverage.

- Authority For Use of Insurance Tape Match. S. 49.688(3)(d) specifies that if the person has other available coverage for payment of a prescription drug, coverage of SeniorCare applies only to costs for prescription drugs for the person that are not covered under the person's other available coverage. Also, s. 49.688(7)(a) permits the Department to apply to SeniorCare the same utilization and cost control procedures that apply to Medical Assistance. Under s. 49.475,

Insurance companies are required, upon request, to provide to the Department information from their records concerning insurance coverage for beneficiaries of Medical Assistance. S. 49.475(2)(a) limits the information that can be requested from insurance companies to information needed to identify beneficiaries of Medical Assistance, and does not include a reference to SeniorCare. This provision also does not reference other programs, such as BadgerCare and Family Care, which are also secondary payers to private insurance.

Proposed Change

1. Amend s. 49.688(2)(a)3 to allow QMBs, SLMBs, and ALMBs to be eligible for SeniorCare. *NOTE*
2. Amend s. 49.688(2)(a)3 to clarify that if a federal waiver were obtained to cover SeniorCare under MA, persons eligible for SeniorCare would not lose their eligibility as a result of eligibility for MA under the waiver. *NOTE*
3. Amend s. 49.688(3)(d) to clarify that SeniorCare benefits are only available to the person that applies and does not extend to other members of the person's household.
4. Amend s. 49.475(2)(a) to include references to SeniorCare, BadgerCare, and Family Care so that the Department has the authority to request insurance information related to beneficiaries of these programs, as well as Medical Assistance.

Effect of the Change

This language will allow low-income Medicare beneficiaries with limited MA coverage to participate in the SeniorCare program.

Statutory language would be clarified to insure that persons eligible for SeniorCare would still be eligible even if a federal waiver is obtained to include SeniorCare beneficiaries under MA.

Statutory language would be clarified that the prescription drug benefits under SeniorCare are limited to the persons applying for the benefit, and does not include coverage for all members of the household.

The Department would have the explicit authority to utilize information currently provided by insurance companies for the administration of the Medical Assistance program to also be used for the administration of SeniorCare, BadgerCare and Family Care programs.

Rationale for the Change

QMBs, SLMBs and ALMBs do not receive any prescription drug coverage under either MA or Medicare when living in a non-institutional setting. It was the intent of the Legislature that these

Individuals be covered under SeniorCare. The amount appropriated for SeniorCare benefits under Act 16 included the estimated costs of serving these low-income Medicare beneficiaries.

Modifying statutory language to clarify that SeniorCare eligibility would not be affected by obtaining a federal waiver for MA coverage would reflect the intent of the Legislature and avoid inconsistent language about eligibility.

Modifying statutory language to clarify that the SeniorCare benefit would not extend to all members of the household would reflect the intent of the Legislature and would remove inconsistent language.

Currently, insurance companies provide computer tapes that list all of the individuals that have insurance coverage with the company. Current statutory provisions only refer to the medical assistance program in regards to the use of this information. This information could be beneficial to the administration of the SeniorCare, BadgerCare and FamilyCare programs as well. Use of this information for these other programs would not impose any additional burden on insurance companies since the information is already collected for MA. Also, use of this insurance information for these other programs would allow the Department to have a reliable method to insure that these programs do not pay for health care costs that are covered by private insurance. The authority for the Department to use the same utilization and cost control procedures for SeniorCare that are available to MA implies that Legislative intent was to allow use of this insurance information.

Desired Effective Date:

Upon Enactment

Agency:

DHFS

Agency Contact:

?

Phone:

?

Richard Megna

266 - 9359



SOON
State of Wisconsin
 2001 - 2002 LEGISLATURE
 January 2002 Special Session

LRBb2312/1
 DAK: /:.....

CS

LFB:.....Carabell – Senior Care modifications

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 1

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

2 **1.** Page 60, line 20: after that line insert:

3 “SECTION 100P. 46.286 (0) of the statutes is created to read:

4 46.286 (0) INFORMATION ABOUT FAMILY CARE ~~BENEFICIARIES~~ (a) In this subsection:

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

6 2. “Insurer” has the meaning given in s. 600.03 (27).

7 (b) An insurer that issues or delivers a disability insurance policy that provides

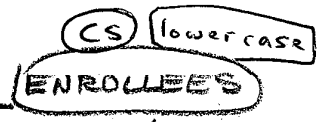
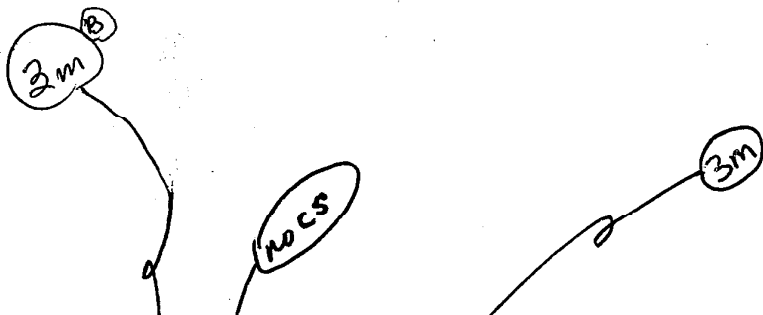
8 coverage to a resident of this state shall provide to the department, upon the

9 department’s request, information contained in the insurer’s records regarding all

10 of the following:

11 1. Information that the department needs to identify enrollees of family care

12 who satisfy any of the following:



✓

- 1 a. Are eligible for benefits under a disability insurance policy.
- 2 b. Would be eligible for benefits under a disability insurance policy if the
- 3 ~~beneficiary~~ were enrolled as a dependent of a person insured under the disability
- 4 insurance policy. enrollee

5 2. Information required for submittal of claims under the insurer's disability

6 insurance policy.

7 3. The types of benefits provided by the disability insurance policy.

8 (c) Upon requesting an insurer to provide the information under par. (b), the ✓

9 department shall enter into a written agreement with the insurer that satisfies all

10 of the following:

- 11 1. Identifies in detail the information to be disclosed.
- 12 2. Includes provisions that adequately safeguard the confidentiality of the
- 13 information to be disclosed.

14 (d) 1. An insurer shall provide the information requested under par. (b) within ✓

15 180 days after receiving the department's request if it is the first time that the

16 department has requested the insurer to disclose information under this subsection.

17 2. An insurer shall provide the information requested under par. (b) within 30

18 days after receiving the department's request if the department has previously

19 requested the insurer to disclose information under this subsection.

20 3. If an insurer fails to comply with subd. 1. or 2., the department may notify ✓ ✓

21 the commissioner of insurance, and the commissioner of insurance may initiate ✓

22 enforcement proceedings against the insurer under s. 601.41 (4) (a)."

23 2. Page 68, line 7: after that line insert:

24 "SECTION 128P. 49.665 (5m) of the statutes is created to read:

no cs

1 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. (a) In this subsection:

2 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a). ✓

3 2. "Insurer" has the meaning given in s. 600.03 (27). ✓

4 (b) An insurer that issues or delivers a disability insurance policy that provides
5 coverage to a resident of this state shall provide to the department, upon the
6 department's request, information contained in the insurer's records regarding all
7 of the following:

8 1. Information that the department needs to identify recipients of badger care
9 who satisfy any of the following:

10 a. Are eligible for benefits under a disability insurance policy.

11 b. Would be eligible for benefits under a disability insurance policy if the
12 ~~beneficiary~~ were enrolled as a dependent of a person insured under the disability
13 insurance policy. recipient

14 2. Information required for submittal of claims under the insurer's disability
15 insurance policy.

16 3. The types of benefits provided by the disability insurance policy. ✓

17 (c) Upon requesting an insurer to provide the information under par. (b), the
18 department shall enter into a written agreement with the insurer that satisfies all
19 of the following:

20 1. Identifies in detail the information to be disclosed.

21 2. Includes provisions that adequately safeguard the confidentiality of the
22 information to be disclosed. ✓

23 (d) 1. An insurer shall provide the information requested under par. (b) within ✓
24 180 days after receiving the department's request if it is the first time that the
25 department has requested the insurer to disclose information under this subsection. ✓

1 2. An insurer shall provide the information requested under par. (b) within 30
2 days after receiving the department's request if the department has previously
3 requested the insurer to disclose information under this subsection.

4 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
5 the commissioner of insurance, and the commissioner of insurance may initiate
6 enforcement proceedings against the insurer under s. 601.41 (4) (a)."

7 **3.** Page 72, line 10: after that line insert:

8 "**SECTION 140P.** 49.688 (2) (a) 3. of the statutes, as created by 2001 Wisconsin Act
9 16, is amended to read:

10 49.688 (2) (a) 3. The person is not a recipient of medical assistance who, as a
11 recipient, receives prescription drug coverage.

12 History: 2001 a. 16.

12 "**SECTION 140Q.** 49.688 (3) (d) of the statutes, as created by 2001 Wisconsin Act
13 16, is amended to read:

14 49.688 (3) (d) Notwithstanding s. 49.002, if a person who is eligible under this
15 section has other available coverage for payment of a prescription drug, this section
16 applies only to costs for prescription drugs for the ~~persons~~ person that are not covered
17 under the person's other available coverage.

18 History: 2001 a. 16.

18 "**SECTION 140R.** 49.688 (8m) of the statutes is created to read:

19 49.688 (8m) (a) In this subsection:

20 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

21 2. "Insurer" has the meaning given in s. 600.03 (27).

22 (b) An insurer that issues or delivers a disability insurance policy that provides
23 coverage to a resident of this state shall provide to the department, upon the

1 department's request, information contained in the insurer's records regarding all
2 of the following:

3 1. Information that the department needs to identify eligible persons under
4 this section who satisfy any of the following:

5 a. Are eligible for benefits under a disability insurance policy.

6 b. Would be eligible for benefits under a disability insurance policy if the
7 ~~beneficiary~~ were enrolled as a dependent of a person insured under the disability
8 insurance policy. eligible person

9 2. Information required for submittal of claims under the insurer's disability
10 insurance policy.

11 3. The types of benefits provided by the disability insurance policy. ✓

12 (c) Upon requesting an insurer to provide the information under par. (b), the
13 department shall enter into a written agreement with the insurer that satisfies all
14 of the following:

15 1. Identifies in detail the information to be disclosed.

16 2. Includes provisions that adequately safeguard the confidentiality of the
17 information to be disclosed. ✓

18 (d) 1. An insurer shall provide the information requested under par. (b) within
19 180 days after receiving the department's request if it is the first time that the
20 department has requested the insurer to disclose information under this subsection. ✓

21 2. An insurer shall provide the information requested under par. (b) within 30
22 days after receiving the department's request if the department has previously
23 requested the insurer to disclose information under this subsection. ✓

1 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
2 the commissioner of insurance, and the commissioner of insurance may initiate
3 enforcement proceedings against the insurer under s. 601.41 (4) (a).”

4 (END)

TELEPHONE DRAFTING INSTRUCTIONS

Drafting instructions received by Debora Kennedy.

DATE: 3/9
CONVERSATION WITH: Rachel Carabell
OF: LFB
TELEPHONE NO:
REGARDING LRB # OR DRAFT TOPIC: 2312
INSTRUCTIONS: Redraft

Fix 49.688 (2)(a)3. to
exclude MA recipis who do receive
prescrip drug coverage



TODAY - SATURDAY
State of Wisconsin
2001 - 2002 LEGISLATURE
January 2002 Special Session

LRBb2312/2
DAK:cjs:ps

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LFB:.....Carabell - Senior Care modifications

FOR 2001-03 BUDGET - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 1

Only change
p. 4

- 1 At the locations indicated, amend the bill as follows:
- 2 **1.** Page 60, line 20: after that line insert:
- 3 **"SECTION 100p.** 46.286 (3m) of the statutes is created to read:
- 4 46.286 (3m) INFORMATION ABOUT FAMILY CARE ENROLLEES. (a) In this subsection:
- 5 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).
- 6 2. "Insurer" has the meaning given in s. 600.03 (27).
- 7 (b) An insurer that issues or delivers a disability insurance policy that provides
- 8 coverage to a resident of this state shall provide to the department, upon the
- 9 department's request, information contained in the insurer's records regarding all
- 10 of the following:
- 11 1. Information that the department needs to identify enrollees of family care
- 12 who satisfy any of the following:

1 a. Are eligible for benefits under a disability insurance policy.

2 b. Would be eligible for benefits under a disability insurance policy if the
3 enrollee were enrolled as a dependent of a person insured under the disability
4 insurance policy.

5 2. Information required for submittal of claims under the insurer's disability
6 insurance policy.

7 3. The types of benefits provided by the disability insurance policy.

8 (c) Upon requesting an insurer to provide the information under par. (b), the
9 department shall enter into a written agreement with the insurer that satisfies all
10 of the following:

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12 2. Includes provisions that adequately safeguard the confidentiality of the
13 information to be disclosed.

14 (d) 1. An insurer shall provide the information requested under par. (b) within
15 180 days after receiving the department's request if it is the first time that the
16 department has requested the insurer to disclose information under this subsection.

17 2. An insurer shall provide the information requested under par. (b) within 30
18 days after receiving the department's request if the department has previously
19 requested the insurer to disclose information under this subsection.

20 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
21 the commissioner of insurance, and the commissioner of insurance may initiate
22 enforcement proceedings against the insurer under s. 601.41 (4) (a).”.

23 **2.** Page 68, line 7: after that line insert:

24 **“SECTION 128p.** 49.665 (5m) of the statutes is created to read:

1 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. (a) In this subsection:

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

3 2. “Insurer” has the meaning given in s. 600.03 (27).

4 (b) An insurer that issues or delivers a disability insurance policy that provides
5 coverage to a resident of this state shall provide to the department, upon the
6 department’s request, information contained in the insurer’s records regarding all
7 of the following:

8 1. Information that the department needs to identify recipients of badger care
9 who satisfy any of the following:

10 a. Are eligible for benefits under a disability insurance policy.

11 b. Would be eligible for benefits under a disability insurance policy if the
12 recipient were enrolled as a dependent of a person insured under the disability
13 insurance policy.

14 2. Information required for submittal of claims under the insurer’s disability
15 insurance policy.

16 3. The types of benefits provided by the disability insurance policy.

17 (c) Upon requesting an insurer to provide the information under par. (b), the
18 department shall enter into a written agreement with the insurer that satisfies all
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25 department has requested the insurer to disclose information under this subsection.

1 2. An insurer shall provide the information requested under par. (b) within 30
2 days after receiving the department's request if the department has previously
3 requested the insurer to disclose information under this subsection.

4 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
5 the commissioner of insurance, and the commissioner of insurance may initiate
6 enforcement proceedings against the insurer under s. 601.41 (4) (a).”.

7 **3.** Page 72, line 10: after that line insert:

8 “**SECTION 140p.** 49.688 (2) (a) 3. of the statutes, as created by 2001 Wisconsin
9 Act 16, is amended to read:

10 49.688 (2) (a) 3. The person is not a recipient of medical assistance ~~who~~, as a
11 recipient, ~~receives~~ prescription drug coverage. does not receive ^{or}

12 **SECTION 140q.** 49.688 (3) (d) of the statutes, as created by 2001 Wisconsin Act
13 16, is amended to read:

14 49.688 (3) (d) Notwithstanding s. 49.002, if a person who is eligible under this
15 section has other available coverage for payment of a prescription drug, this section
16 applies only to costs for prescription drugs for the ~~persons~~ person that are not covered
17 under the person's other available coverage.

18 **SECTION 140r.** 49.688 (8m) of the statutes is created to read:

19 49.688 (8m) (a) In this subsection:

- 20 1. “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).
21 2. “Insurer” has the meaning given in s. 600.03 (27).

22 (b) An insurer that issues or delivers a disability insurance policy that provides
23 coverage to a resident of this state shall provide to the department, upon the

1 department's request, information contained in the insurer's records regarding all
2 of the following:

3 1. Information that the department needs to identify eligible persons under
4 this section who satisfy any of the following:

5 a. Are eligible for benefits under a disability insurance policy.

6 b. Would be eligible for benefits under a disability insurance policy if the
7 eligible person were enrolled as a dependent of a person insured under the disability
8 insurance policy.

9 2. Information required for submittal of claims under the insurer's disability
10 insurance policy.

11 3. The types of benefits provided by the disability insurance policy.

12 (c) Upon requesting an insurer to provide the information under par. (b), the
13 department shall enter into a written agreement with the insurer that satisfies all
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16 2. Includes provisions that adequately safeguard the confidentiality of the
17 information to be disclosed.

18 (d) 1. An insurer shall provide the information requested under par. (b) within
19 180 days after receiving the department's request if it is the first time that the
20 department has requested the insurer to disclose information under this subsection.

21 2. An insurer shall provide the information requested under par. (b) within 30
22 days after receiving the department's request if the department has previously
23 requested the insurer to disclose information under this subsection.



State of Wisconsin
2001 - 2002 LEGISLATURE

January 2002 Special Session

LRBb2312/2
DAK:cjs&ch:cmh

LFB:.....Carabell – Senior Care modifications

FOR 2001-03 BUDGET — NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 1

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

2 1. Page 60, line 20: after that line insert:

3 "SECTION 100p. 46.286 (3m) of the statutes is created to read:

4 46.286 (3m) INFORMATION ABOUT FAMILY CARE ENROLLEES. (a) In this subsection:

5 1. "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

6 2. "Insurer" has the meaning given in s. 600.03 (27).

7 (b) An insurer that issues or delivers a disability insurance policy that provides
8 coverage to a resident of this state shall provide to the department, upon the
9 department's request, information contained in the insurer's records regarding all
10 of the following:

11 1. Information that the department needs to identify enrollees of family care
12 who satisfy any of the following:

1 a. Are eligible for benefits under a disability insurance policy.

2 b. Would be eligible for benefits under a disability insurance policy if the
3 enrollee were enrolled as a dependent of a person insured under the disability
4 insurance policy.

5 2. Information required for submittal of claims under the insurer's disability
6 insurance policy.

7 3. The types of benefits provided by the disability insurance policy.

8 (c) Upon requesting an insurer to provide the information under par. (b), the
9 department shall enter into a written agreement with the insurer that satisfies all
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18 days after receiving the department's request if the department has previously
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20 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
21 the commissioner of insurance, and the commissioner of insurance may initiate
22 enforcement proceedings against the insurer under s. 601.41 (4) (a).”

23 **2.** Page 68, line 7: after that line insert:

24 “SECTION 128p. 49.665 (5m) of the statutes is created to read:

1 49.665 (5m) INFORMATION ABOUT BADGER CARE RECIPIENTS. (a) In this subsection:

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

3 2. “Insurer” has the meaning given in s. 600.03 (27).

4 (b) An insurer that issues or delivers a disability insurance policy that provides
5 coverage to a resident of this state shall provide to the department, upon the
6 department’s request, information contained in the insurer’s records regarding all
7 of the following:

8 1. Information that the department needs to identify recipients of badger care
9 who satisfy any of the following:

10 a. Are eligible for benefits under a disability insurance policy.

11 b. Would be eligible for benefits under a disability insurance policy if the
12 recipient were enrolled as a dependent of a person insured under the disability
13 insurance policy.

14 2. Information required for submittal of claims under the insurer’s disability
15 insurance policy.

16 3. The types of benefits provided by the disability insurance policy.

17 (c) Upon requesting an insurer to provide the information under par. (b), the
18 department shall enter into a written agreement with the insurer that satisfies all
19 of the following:

20 1. Identifies in detail the information to be disclosed.

21 2. Includes provisions that adequately safeguard the confidentiality of the
22 information to be disclosed.

23 (d) 1. An insurer shall provide the information requested under par. (b) within
24 180 days after receiving the department’s request if it is the first time that the
25 department has requested the insurer to disclose information under this subsection.

1 2. An insurer shall provide the information requested under par. (b) within 30
2 days after receiving the department's request if the department has previously
3 requested the insurer to disclose information under this subsection.

4 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
5 the commissioner of insurance, and the commissioner of insurance may initiate
6 enforcement proceedings against the insurer under s. 601.41 (4) (a).”.

7 **3.** Page 72, line 10: after that line insert:

8 “**SECTION 140p.** 49.688 (2) (a) 3. of the statutes, as created by 2001 Wisconsin
9 Act 16, is amended to read:

10 49.688 (2) (a) 3. The person is not a recipient of medical assistance or, as a
11 recipient, does not receive prescription drug coverage.

12 **SECTION 140q.** 49.688 (3) (d) of the statutes, as created by 2001 Wisconsin Act
13 16, is amended to read:

14 49.688 (3) (d) Notwithstanding s. 49.002, if a person who is eligible under this
15 section has other available coverage for payment of a prescription drug, this section
16 applies only to costs for prescription drugs for the ~~persons~~ person that are not covered
17 under the person's other available coverage.

18 **SECTION 140r.** 49.688 (8m) of the statutes is created to read:

19 49.688 (8m) (a) In this subsection:

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

21 2. “Insurer” has the meaning given in s. 600.03 (27).

22 (b) An insurer that issues or delivers a disability insurance policy that provides
23 coverage to a resident of this state shall provide to the department, upon the

1 department's request, information contained in the insurer's records regarding all
2 of the following:

3 1. Information that the department needs to identify eligible persons under
4 this section who satisfy any of the following:

5 a. Are eligible for benefits under a disability insurance policy.

6 b. Would be eligible for benefits under a disability insurance policy if the
7 eligible person were enrolled as a dependent of a person insured under the disability
8 insurance policy.

9 2. Information required for submittal of claims under the insurer's disability
10 insurance policy.

11 3. The types of benefits provided by the disability insurance policy.

12 (c) Upon requesting an insurer to provide the information under par. (b), the
13 department shall enter into a written agreement with the insurer that satisfies all
14 of the following:

15 1. Identifies in detail the information to be disclosed.

16 2. Includes provisions that adequately safeguard the confidentiality of the
17 information to be disclosed.

18 (d) 1. An insurer shall provide the information requested under par. (b) within
19 180 days after receiving the department's request if it is the first time that the
20 department has requested the insurer to disclose information under this subsection.

21 2. An insurer shall provide the information requested under par. (b) within 30
22 days after receiving the department's request if the department has previously
23 requested the insurer to disclose information under this subsection.

1 3. If an insurer fails to comply with subd. 1. or 2., the department may notify
2 the commissioner of insurance, and the commissioner of insurance may initiate
3 enforcement proceedings against the insurer under s. 601.41 (4) (a).”

4 (END)