

2003 SENATE BILL 269

October 2, 2003 – Introduced by Senators LEIBHAM, ROESSLER, LASSA, MOORE and S. FITZGERALD, cosponsored by Representatives LADWIG, MUSSER, HAHN, KRAWCZYK, OTT, F. LASEE, BIES, PETTIS, OWENS, PETROWSKI, VAN ROY, McCORMICK, ALBERS, HINES, GUNDERSON and NISCHKE. Referred to Committee on Agriculture, Financial Institutions and Insurance.

1 **AN ACT** *to amend* 631.31 (1) (a), 631.31 (1) (b), 631.31 (1) (c) and 631.31 (1) (d);
2 and *to create* 40.55 (6), 628.385 and 631.31 (1) (f) of the statutes; **relating to:**
3 disclosure requirement for coverage of long-term care.

Analysis by the Legislative Reference Bureau

This bill requires that, if a long-term care insurance policy does not cover care unless it is provided by a provider who is licensed, registered, or certified to provide nursing, medical, or personal care services, or who is employed by a facility that is so licensed, registered, or certified, the insurer or agent selling the policy must orally advise a prospective buyer of that requirement. In addition, the requirement must be conspicuously displayed on the first page of the policy, as are various other insurance provisions under current law, including the name of the insurer, whether a policy is assessable, and an individual's rights concerning the return of a disability insurance policy.

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

4 **SECTION 1.** 40.55 (6) of the statutes is created to read:
5 40.55 (6) Section 628.385 applies to a long-term care insurance policy offered
6 under this section.

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1 **SECTION 2.** 628.385 of the statutes is created to read:

2 **628.385 Disclosure of long-term care provider requirements.** If a
3 long-term care insurance policy does not cover the services of a provider unless the
4 provider is licensed, registered, or certified to provide nursing, medical, or personal
5 care services, or is employed by a facility that is licensed, registered, or certified to
6 provide nursing, medical, or personal care services, the insurer or insurer's agent
7 shall orally advise a prospective buyer of the policy of that requirement before the
8 sale of the policy, and the policy shall conspicuously display that requirement on the
9 first page, in type that is at least as large as any used in the body of the policy.

10 **SECTION 3.** 631.31 (1) (a) of the statutes is amended to read:

11 631.31 (1) (a) *Corporate name.* The name of the insurer, as required by s.
12 631.64;

13 **SECTION 4.** 631.31 (1) (b) of the statutes is amended to read:

14 631.31 (1) (b) *Several liability.* Information that 2 or more insurers undertake
15 only several liability, as required by s. 631.41;

16 **SECTION 5.** 631.31 (1) (c) of the statutes is amended to read:

17 631.31 (1) (c) *Assessability.* That the policy is assessable, as required by s.
18 631.65;

19 **SECTION 6.** 631.31 (1) (d) of the statutes is amended to read:

20 631.31 (1) (d) *Variable benefits.* A statement that benefits are variable, as
21 required by s. 632.45 (1); and

22 **SECTION 7.** 631.31 (1) (f) of the statutes is created to read:

23 631.31 (1) (f) *Long-term care provider requirement.* That long-term care is
24 covered only if the provider is licensed, registered, or certified, as required by s.
25 628.385.

