

2007 DRAFTING REQUEST

Bill

Received: **04/19/2007**

Received By: **pkahler**

Wanted: **Soon**

Identical to LRB:

For: **Judith Robson (608) 266-2253**

By/Representing: **Nadine Gratz**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Insurance - health**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Robson@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Insurance coverage of treatment for autism spectrum disorders

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>
/?	pkahler 04/19/2007	wjackson 04/19/2007		_____			S&L
/1			jfrantze 04/20/2007	_____	sbasford 04/20/2007	sbasford 04/23/2007	S&L
/2	pkahler 04/24/2007	wjackson 04/25/2007	jfrantze 04/25/2007	_____	sbasford 04/25/2007	sbasford 04/25/2007	

FE Sent For:

NO

<END>

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/?	pkahler 04/19/2007	wjackson 04/19/2007		_____			S&L
/1		1/2 wij 9/21	jfrantze 04/20/2007	_____	sbasford 04/20/2007	sbasford 04/23/2007	

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JR
4/25
JS
4/25
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/?	pkahler						
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1 WLj 4/19

[Signature]
4/20

[Signature]
4/20

FE Sent For:

<END>

Kahler, Pam

From: Duerst, Christina
Sent: Thursday, April 19, 2007 3:49 PM
To: Kahler, Pam
Subject: FW: Message for Pam Kahler

From: Gratz, Nadine
Sent: Thursday, April 19, 2007 3:32 PM
To: LRB.Legal
Subject: Message for Pam Kahler

Dear Pam:

Sen. Robson would like to have an individual bill drafted that mirrors the provisions of SB 40 (the budget bill) relating to mandating insurance coverage for autism spectrum disorders.

If you are not appropriate drafter for this bill, please let me know because the Senator would like to introduce it as soon as possible. Thanks.

Nadine Gratz
Legislative Analyst
Office of Senator Judy Robson



State of Wisconsin
2007 - 2008 LEGISLATURE

2480/1

LRB-1553/P2

PJK:wj&jld:pg

Wjt jld

2007

Bill

DOA:.....Rhodes, BB0387 - Insurance coverage of autism, Asperger's and pervasive developmental disorders

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

SOON
(in 4-19)

gen cat

health insurance coverage of
treatment for autism
spectrum disorders

1 AN ACT...; relating to: the budget.

Analysis by the Legislative Reference Bureau

INSURANCE

This bill requires health insurance policies and self-insured governmental and school district health plans to cover the cost of treatment for an insured for autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified if the treatment is provided by a psychiatrist, a psychologist, or a social worker who is certified or licensed to practice psychotherapy. A policy or plan is not required to cover more than four hours of treatment per month, however. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and cooperative sickness care associations; to health care plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, medicare replacement or supplement policies, long-term care policies, or policies covering only certain specified diseases. The coverage may be subject to any limitations or exclusions or cost-sharing provisions that apply generally under the policy or plan.

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), 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 (6), 632.895 (5m) and (8) to ~~(14)~~ (15), 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. 631.95, 632.746 (1) to (8) and (10), 632.747,
9 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, and 632.895 (11) to ~~(14)~~ (15).

10 **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

11 66.0137 **(4)** SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
12 a village provides health care benefits under its home rule power, or if a town
13 provides health care benefits, to its officers and employees on a self-insured basis,
14 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
15 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
16 and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and 767.513 (4).

17 **SECTION 4.** 111.91 (2) (n) of the statutes is amended to read:

18 111.91 **(2)** (n) The provision to employees of the health insurance coverage
19 required under s. 632.895 (11) to ~~(14)~~ (15).

20 **SECTION 5.** 120.13 (2) (g) of the statutes is amended to read:

1 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
2 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
3 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.895 (9) to ~~(14)~~ (15), 632.896, and
4 767.513 (4).

5 **SECTION 6.** 185.981 (4t) of the statutes is amended to read:

6 185.981 (4t) A sickness care plan operated by a cooperative association is
7 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,
8 632.853, 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.895 (10) to ~~(14)~~ (15), and
9 632.897 (10) and chs. 149 and 155.

10 **SECTION 7.** 185.983 (1) (intro.) of the statutes is amended to read:

11 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
12 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,
13 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
14 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
15 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
16 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
17 shall:

18 **SECTION 8.** 609.87 of the statutes is created to read:

19 **609.87 Coverage of treatment for autism spectrum disorders.** Defined
20 network plans are subject to s. 632.895 (15).

21 **SECTION 9.** 632.895 (15) of the statutes is created to read:

22 632.895 (15) TREATMENT FOR AUTISM SPECTRUM DISORDERS. (a) In this subsection,
23 “autism spectrum disorder” means any of the following:

- 24 1. Autism disorder.
- 25 2. Asperger’s syndrome.

SECTION 9

3. Pervasive developmental disorder not otherwise specified.

(b) 1. Subject to subd. 2., and except as provided in par. (d), every disability insurance policy, and every self-insured health plan of the state or a county, city, town, village, or school district, shall provide coverage for an insured of treatment for an autism spectrum disorder if the treatment is provided by any of the following:

a. A psychiatrist, as defined in s. 146.34 (1) (h).

b. A psychologist, as defined in s. 146.34 (1) (i).

c. A social worker, as defined in s. 252.15 (1) (er), who is certified or licensed to practice psychotherapy, as defined in s. 457.01 (8m).

2. A disability insurance policy or self-insured health plan is not required to cover the cost of more than 4 hours per month of the treatment specified in subd. 1.

(c) The coverage required under par. (b) may be subject to any limitations, exclusions, and cost-sharing provisions that apply generally under the disability insurance policy or self-insured health plan.

(d) This subsection does not apply to any of the following:

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

2. A health care plan offered by a limited service health organization, as defined in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not a defined network plan, as defined in s. 609.01 (1b).

3. A long-term care insurance policy.

4. A medicare replacement policy or a medicare supplement policy.

SECTION ~~9.25~~ 9.25. Initial applicability; Insurance.

(1) **COVERAGE OF TREATMENT FOR AUTISM SPECTRUM DISORDERS.** The treatment of

~~sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t);~~

This act

22
23
24



1 ~~185.983 (1) (intro.), 609.87, and 632.895 (15) of the statutes~~ first applies to all of the
2 following:

3 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
4 that are issued or renewed, and self-insured governmental or school district health
5 plans that are established, extended, modified, or renewed, on the effective date of
6 this paragraph.

7 (b) Disability insurance policies covering employees who are affected by a
8 collective bargaining agreement containing provisions inconsistent with this act
9 that are issued or renewed on the earlier of the following:

- 10 1. The day on which the collective bargaining agreement expires.
- 11 2. The day on which the collective bargaining agreement is extended, modified,
- 12 or renewed.

13 (c) Self-insured governmental or school district health plans covering
14 employees who are affected by a collective bargaining agreement containing
15 provisions inconsistent with this act that are established, extended, modified, or
16 renewed on the earlier of the following:

- 17 1. The day on which the collective bargaining agreement expires.
- 18 2. The day on which the collective bargaining agreement is extended, modified,
- 19 or renewed.

20 ~~SECTION 9425. Effective dates; Insurance.~~

21 (1) COVERAGE OF TREATMENT FOR AUTISM SPECTRUM DISORDERS The treatment of
22 sections 40.51 (8) and (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g), 185.981 (4t),
23 185.983 (1) (intro.), 609.87, and 632.895 (15) of the statutes and SECTION 9325 (1) of
24 this act take effect on the first day of the 7th month beginning after publication.

This act takes

Barman, Mike

From: Gratz, Nadine
Sent: Monday, April 23, 2007 9:07 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-2480/1 Topic: Insurance coverage of treatment for autism spectrum disorders

Please Jacket LRB 07-2480/1 for the SENATE.

Kahler, Pam

From: Gratz, Nadine
Sent: Tuesday, April 24, 2007 3:43 PM
To: Kahler, Pam
Subject: FW: Autism Draft

Pam:

I just learned that some of the language in LRB 2480 is incorrect. As you can see from the information below, changes to this portion of the budget bill were made at the request of DOA on March 19. Please provide a new draft that will reflect these changes. I assume I need to return the jacket to you, is that correct? Let me know if you need additional information about this change. Many thanks.

Nadine Gratz
Office of Sen. Judy Robson

From: Peck, Eric
Sent: Tuesday, April 24, 2007 3:28 PM
To: Gratz, Nadine
Cc: Morgan, Charlie
Subject: Autism Draft

Nadine: On March 19, 2007, DOA sent a letter to the Co-chairs of the Joint Committee on Finance which included the following modifications to the draft bill regarding insurance coverage for autism and pervasive development disorders:

"Under s. 632.895(15)(2), mandatory insurance plan coverage is limited to not more than four hours a month. This limit does not reflect Governor's intent and should be deleted.

In addition, the list of treatment providers under s. 632.895(15)(b) is incomplete. The Governor's intent is to include additional providers consisting of the following: doctoral level psychologists with Board Certified Behavior Analyst certification and certain other professionals working under the auspices of a licensed mental health clinic.

Finally, the bill should include paraprofessionals under the supervision of licensed psychiatrists, psychologists, social workers or doctoral level psychologists with Board Certified Behavior Analyst certification, or certain other professionals working under the auspices of a licensed mental clinic."

Please let me know if you have any additional questions. Thanks Eric Peck

Eric Peck, Fiscal Analyst
Wisconsin Legislative Bureau
1 East Main Street, Suite 301
Madison, WI 53703
Telephone: (608) 266-3847
FAX: (608) 267-6873
Email: Eric.Peck@legis.state.wi.us



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-2480/5
PJK/wlj&jld:ff

2
stays
r m i r u n

2007 BILL

tomorrow -
Wed.

Regen

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 111.91 (2) (n), 120.13 (2) (g),
2 185.981 (4t) and 185.983 (1) (intro.); and *to create* 609.87 and 632.895 (15) of
3 the statutes; **relating to:** health insurance coverage of treatment for autism
4 spectrum disorders.

Analysis by the Legislative Reference Bureau

This bill requires health insurance policies and self-insured governmental and school district health plans to cover the cost of treatment for an insured for autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified if the treatment is provided by a psychiatrist, a psychologist, or a social worker who is certified or licensed to practice psychotherapy. A policy or plan is not required to cover more than four hours of treatment per month, however. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and cooperative sickness care associations; to health care plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages, and school districts. The requirement specifically does not apply to limited-scope benefit plans, medicare replacement or supplement policies, long-term care policies, or policies covering only certain specified diseases. The coverage may be subject to any limitations or exclusions or cost-sharing provisions that apply generally under the policy or plan.

QUEST A

BILL

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

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13 provides health care benefits, to its officers and employees on a self-insured basis,
14 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
15 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4), (5),
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10 **SECTION 7.** 185.983 (1) (intro.) of the statutes is amended to read:

11 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be
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13 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,
14 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,
15 632.855, 632.87 (2m), (3), (4), (5), and (6), 632.895 (5) and (9) to ~~(14)~~ (15), 632.896, and
16 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association
17 shall:

18 **SECTION 8.** 609.87 of the statutes is created to read:

19 **609.87 Coverage of treatment for autism spectrum disorders.** Defined
20 network plans are subject to s. 632.895 (15).

21 **SECTION 9.** 632.895 (15) of the statutes is created to read:

22 632.895 (15) TREATMENT FOR AUTISM SPECTRUM DISORDERS. (a) In this subsection,
23 “autism spectrum disorder” means any of the following:

- 24 1. Autism disorder.
- 25 2. Asperger’s syndrome.

BILL

1 3. Pervasive developmental disorder not otherwise specified.

2 (b) 1. Subject to subd. 2., and except as provided in par. (d), every disability
3 insurance policy, and every self-insured health plan of the state or a county, city,
4 town, village, or school district, shall provide coverage for an insured of treatment
5 for an autism spectrum disorder if the treatment is provided by any of the following:

6 1. ~~a~~ A psychiatrist, as defined in s. 146.34 (1) (h).

7 2. ~~b~~ A psychologist, as defined in s. 146.34 (1) (i).

8 3. ~~c~~ A social worker, as defined in s. 252.15 (1) (er), who is certified or licensed
9 to practice psychotherapy, as defined in s. 457.01 (8m).

*person who practices
psychology, as described
in 204550(5)*

Insert 4-9

10 2. A disability insurance policy or self-insured health plan is not required to
11 cover the cost of more than 4 hours per month of the treatment specified in subd. 1.

12 (c) The coverage required under par. (b) may be subject to any limitations,
13 exclusions, and cost-sharing provisions that apply generally under the disability
14 insurance policy or self-insured health plan.

15 (d) This subsection does not apply to any of the following:

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

17 2. A health care plan offered by a limited service health organization, as defined
18 in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4), that is not
19 a defined network plan, as defined in s. 609.01 (1b).

20 3. A long-term care insurance policy.

21 4. A medicare replacement policy or a medicare supplement policy.

SECTION 10. Initial applicability.

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

24 (a) Except as provided in paragraphs (b) and (c), disability insurance policies
25 that are issued or renewed, and self-insured governmental or school district health

BILL

1 plans that are established, extended, modified, or renewed, on the effective date of
2 this paragraph.

3 (b) Disability insurance policies covering employees who are affected by a
4 collective bargaining agreement containing provisions inconsistent with this act
5 that are issued or renewed on the earlier of the following:

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

7 2. The day on which the collective bargaining agreement is extended, modified,
8 or renewed.

9 (c) Self-insured governmental or school district health plans covering
10 employees who are affected by a collective bargaining agreement containing
11 provisions inconsistent with this act that are established, extended, modified, or
12 renewed on the earlier of the following:

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

14 2. The day on which the collective bargaining agreement is extended, modified,
15 or renewed.

16 **SECTION 11. Effective date.**

17 (1) This act takes effect on the first day of the 7th month beginning after
18 publication.

19

(END)

**2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-2480/2ins
PJK:.....

INSERT A

W09H
, a paraprofessional working under the supervision of any of those three types of providers, or a professional working under the supervision of an outpatient mental health clinic

(END OF INSERT A)

INSERT 4-9

4. A paraprofessional working under the supervision of a provider listed under subds. 1. to 3. ✓

5. A professional working under the supervision of an outpatient mental health clinic certified under s. 51.038. ✓

(END OF INSERT 4-9)