

2007 DRAFTING REQUEST

Bill

Received: **01/19/2007**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Jablonsky**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Health - miscellaneous
Insurance - health**

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Jablonsky, BB0406 -

Topic:

Pilot program for coverage under HIRSP for AIDS drug assistance participants

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 01/22/2007	jdye 01/23/2007		_____			State
/1			rschlue 01/23/2007	_____	sbasford 01/23/2007		State
/2	pkahler 01/25/2007	jdye 01/25/2007	pgreensl 01/25/2007	_____	sbasford 01/25/2007		

FE Sent For:

<END>

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/?	pkahler 01/22/2007	jdye 01/23/2007		_____			State
/1		1/2/25 jld	rschluet 01/23/2007	1/26 PJK	sbasford 01/23/2007		

FE Sent For:

<END>

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/?	pkahler	1/23 jld					

Handwritten notes and signatures:

- Large signature/initials over the 'Typed' and 'Proofed' columns.
- Handwritten '1237' below the signature.
- '<END>' printed at the bottom right of the drafting history section.

FE Sent For:

2007-09 Budget Bill Statutory Language Drafting Request

- Topic: AIDS Program Eligibility
- Tracking Code: BB0406
- SBO team: Health/Ins
- SBO analyst: Sue Jablonsky
 - Phone: 7-9546
 - Email: sue.jablonsky@wisconsin.gov
- Agency acronym: DHFS
- Agency number: 435

49.6867

Establish a 2-year pilot program to allow uninsured people on the AIDS Drug Assistance Program (ADAP) to have HIRSP insurance policies purchased for them if the program staff determine that it would be cost effective to do so. They would not be required to have a certification from their doctor that they had to reduce time or quit their job.

Kahler, Pam

From: Jablonsky, Sue - DOA
Sent: Saturday, January 20, 2007 10:08 AM
To: Kahler, Pam
Subject: RE: AIDS pilot program

Yes—I'm sending you the language request that came late yesterday-this should supercede my instructions from yesterday

From: Kahler, Pam [<mailto:Pam.Kahler@legis.wisconsin.gov>]
Sent: Friday, January 19, 2007 5:25 PM
To: Jablonsky, Sue - DOA
Subject: AIDS pilot program

Sue:

Is the AIDS Drug Assistance Program the program under s. 49.686?

Pam

Pamela J. Kahler

Legislative Attorney

Legislative Reference Bureau

608-266-2682

~~Carol~~ Pam - This should
supersede my directions I
sent over yesterday for the
AIDS Pilot Program. 11/18/07

Sue

HIV/AIDS Program Pilot

Current Language

S.252.16, Health Insurance Premiums Subsidies

Proposed Change

Create non-statutory language which would allow the Department to administer a pilot program for HIV/AIDS patients. The pilot program would allow the Department, notwithstanding eligibility requirements in current statutes, to enroll individuals who are eligible for the AIDS Drug Assistance Program into the AIDS Health Insurance Premium Subsidy program. The individuals enrolled would be those who are currently not eligible for the premium subsidy program because they are not on medical leave or their employment status has changed because of HIV/AIDS. The pilot would be limited to 100 ADAP recipients who are currently on antiretroviral drugs. The language would allow the Department to purchase premiums for these individuals in the HIRSP program and to pay HIRSP copayments for drugs from appropriation s.20.435 (5)(am).

Background and Rationale for the Change

The current HIV/AIDS Insurance Premium Subsidy Program pays for insurance premiums for individuals with income below 300% of poverty who have HIV/AIDS and who have left or reduced the hours of their employment because of their HIV infection. Individuals who have not had to leave employment or who are unemployed are not eligible for this program.

The AIDS Drug Assistance Program (ADAP) covers the cost of HIV/AIDS drugs for individuals who are below 300% of poverty. The cost of drugs for many of these individuals is very high and it is believed that it would be more cost effective to enroll them in the HIRSP program and pay health insurance premiums instead. The Department proposes to administer a pilot program for three years, beginning in FY 09, that would enroll high-cost, uninsured ADAP recipients in HIRSP to measure the savings that might occur as a result of this change. To be able to do, it is necessary to obtain the authority to pay the health insurance premiums of individuals who do not qualify for the current insurance premium program, notwithstanding the provisions of current law.

Desired Effective Date: Upon passage of the budget bill
Agency: DHFS
Agency Contact: Ellen Hadidian
Phone: 266-8155



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1609

PJK:.....

JL

DOA:.....Jablonsky, BB0406 - Pilot program for coverage under HIRSP for AIDS drug assistance participants

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

(in 1-22)

do not generate

1 AN ACT relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHFS administers a program under which individuals with a human immunodeficiency virus (HIV) infection may receive reimbursement for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. DHFS also administers a program under which individuals with an HIV infection may have health insurance premiums subsidized if they are on unpaid medical leave, or have had to discontinue their employment or reduce their hours, because of a medical condition arising from or related to the HIV infection. This bill requires DHFS to conduct a three-year pilot program under which DHFS may pay premiums and drug copayments under the Health Insurance Risk-Sharing Plan (HIRSP) for up to 100 individuals who are eligible for the AZT-reimbursement program, who do not have health insurance coverage, and who are not eligible for the health insurance premium subsidy program because they are not on unpaid medical leave and have not had to discontinue employment or reduce hours because of their medical condition. HIRSP is generally a health insurance program administered by the Health Insurance Risk-Sharing Plan Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are

HIRSP

disabled, persons who have tested positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.

For further information see the *state* 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.** 20.435 (5) (am) of the statutes is amended to read:
 2 20.435 (5) (am) *Services, reimbursement and payment related to human*
 3 *immunodeficiency virus.* The amounts in the schedule for the purchase of services
 4 under s. 252.12 (2) (a) for individuals with respect to human immunodeficiency virus
 5 and related infections, including hepatitis C virus infection, to subsidize premium
 6 payments under ss. 252.16 and 252.17, for grants for the prevention of human
 7 immunodeficiency virus infection and related infections, including hepatitis C virus
 8 infection, under s. 252.12 (2) (c) 2. and 3., and to reimburse or supplement the
 9 reimbursement of the cost of AZT, pentamidine and certain other drugs under s.
 10 49.686, and to pay for premiums and drug copayments under the pilot program
 11 under s. 49.686 (6).

History: 1971 c. 125 ss. 138 to 155, 522 (1); 1971 c. 211, 215, 302, 307, 322; 1973 c. 90, 198, 243; 1973 c. 284 s. 32; 1973 c. 308, 321, 322, 333, 336; 1975 c. 39 ss. 153 to 173, 732 (1), (2); 1975 c. 41 s. 52; 1975 c. 82, 224, 292; 1975 c. 413 s. 18; 1975 c. 422, 423; 1975 c. 430 ss. 1, 2, 80; 1977 c. 29 ss. 236 to 273, 1657 (18); 1977 c. 112; 1977 c. 203 s. 106; 1977 c. 213, 233, 327; 1977 c. 354 s. 101; 1977 c. 359; 1977 c. 418 ss. 129 to 137, 924 (18) (d), 929 (55); 1977 c. 428 s. 115; 1977 c. 447; 1979 c. 32 s. 92 (11); 1979 c. 34, 48; 1979 c. 102 s. 237; 1979 c. 111, 175, 177; 1979 c. 221 ss. 118g to 133, 2202 (20); 1979 c. 238, 300, 331, 361; 1981 c. 20 ss. 301 to 356b, 2202 (20) (b), (d), (g); 1981 c. 93 ss. 3 to 8, 186; 1981 c. 298, 314, 317, 359, 390; 1983 a. 27 ss. 318 to 410, 2202 (20); 1983 a. 192, 199, 245; 1983 a. 333 s. 6; 1983 a. 363, 398, 410, 427; 1983 a. 435 ss. 2, 3, 7; 1983 a. 538; 1985 a. 24, 29, 56, 73, 120, 154, 176, 255, 281, 285, 332; 1987 a. 27, 339, 368, 398, 399, 402; 1987 a. 403 ss. 25, 256; 1987 a. 413; 1989 a. 31, 53; 1989 a. 56 ss. 13, 259; 1989 a. 102; 1989 a. 107 ss. 11, 13, 17 to 37; 1989 a. 120, 122, 173, 199, 202, 318, 336, 359; 1991 a. 6, 39, 189, 269, 275, 290, 315, 322; 1993 a. 16, 27, 76, 98, 99, 168, 183, 377, 437, 445, 446, 450, 469, 479, 490, 491; 1995 a. 27 ss. 806 to 961r, 9126 (19); 1995 a. 77, 98; 1995 a. 216 ss. 26, 27; 1995 a. 266, 276, 289, 303, 404, 417, 440, 448, 464, 468; 1997 a. 27 ss. 211, 214, 216, 217, 527 to 609; 1997 a. 35, 105, 231, 237, 280, 293; 1999 a. 5, 9, 32, 52, 84, 103, 109, 113, 133, 185, 186; 2001 a. 16, 69, 103, 105; 2003 a. 33, 139, 186, 318, 320, 326, 327; 2005 a. 22; 2005 a. 25 ss. 299 to 331, 2498 to 2500, 2510; 2005 a. 74, 107, 199, 228, 264, 388, 406, 434.

12 **SECTION 2.** 49.686 (6) of the statutes is created to read:
 13 49.686 (6) **HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM.** (a) The
 14 department shall conduct a 3-year pilot program under which the department may
 15 pay premiums for coverage, and copayments for prescription drugs, under the

1 Health Insurance Risk-Sharing Plan[✓] under subch. II of ch. 149 for not more than[✓] 100
2 individuals who satisfy all of the following:

3 1. The individuals are eligible for reimbursement under this[✓] section.

4 2. The individuals are currently taking antiretroviral drugs.

5 3. The individuals do not have health insurance coverage.[✓]

6 4. The individuals are not eligible for premium subsidies under s. 252.16 or[✓]
7 252.17[✓] because they are not on unpaid medical leave, are not unable to continue
8 employment, and have not had to reduce their employment hours because of an
9 illness or medical condition arising from or related to HIV.[✓]

10 (b) The department may promulgate rules for the administration of the pilot
11 program. Notwithstanding s.[✓] 227.24 (3), rules under this[✓] paragraph may be
12 promulgated as emergency rules under s. 227.24 without a finding of emergency.

13 **SECTION 3.** 149.12 (3) (a)[✓] of the statutes is amended to read:

14 149.12 (3) (a) Except as provided in pars. (b) and ~~(b)m)~~ to (c)[✓], no person is eligible
15 for coverage under the plan for whom a premium, deductible, or coinsurance amount
16 is paid or reimbursed by a federal, state, county, or municipal government or agency
17 as of the first day of any term for which a premium amount is paid or reimbursed and
18 as of the day after the last day of any term during which a deductible or coinsurance
19 amount is paid or reimbursed.

History: 1979 c. 313; 1983 a. 27, 215; 1985 a. 29, 73; 1987 a. 27, 70, 239; 1989 a. 201 s. 36; 1989 a. 332, 359; 1991 a. 39, 250; 1993 a. 27; 1995 a. 27, 407; 1997 a. 27 ss. 3025f, 4826 to 4831e; Stats. 1997 s. 149.12; 1999 a. 9; 2005 a. 74.

20 **SECTION 4.** 149.12 (3) (c) of the statutes is created to read:

21 149.12 (3) (c) Persons for whom premium costs for health insurance coverage
22 and copayments for prescription drugs are paid under the pilot program under s.
23 49.686 (6)[✓] are not ineligible for coverage under the plan by reason of such payments.

24

(END)

Kennedy, Debora

From: Jablonsky, Sue - DOA
Sent: Wednesday, January 24, 2007 4:22 PM
To: Kennedy, Debora
Subject: FW: Edits to LFB Draft for HIV Pilot

Attachments: suggested-changesBB0406.doc



suggested-changes
BB0406.doc (2...

DAK-here are some comments from the AIDS people

-----Original Message-----

From: Hadidian, Ellen [mailto:HADIDEC@dhfs.state.wi.us]
Sent: Wednesday, January 24, 2007 2:48 PM
To: Jablonsky, Sue - DOA
Cc: Moore, Donna J - DHFS
Subject: Fwd: Edits to LFB Draft for HIV Pilot

Sue,

Attached are comments and suggested changes to the AIDS-HIRSP language - please forward to LRB.

-----Original Message-----

Date: 01/24/2007 01:21 pm -0600 (Wednesday)
From: Michael McFadden
To: Hadidian, Ellen; Moore, Donna
CC: Rogers, Kathleen; Vergeront, James
Subject: Edits to LFB Draft for HIV Pilot

Ellen,

Attached is a page with our suggested edits and why we feel these are necessary. Let me know if you have any questions.

Michael

* * * * *

NOTICE: This E-mail and any attachments may contain confidential information. Use and further disclosure of the information by the recipient must be consistent with applicable laws, regulations and agreements. If you received this E-mail in error, please notify the sender; delete the E-mail; and do not use, disclose or store the information it contains.

Michael McFadden
HIV Care & Surveillance Supervisor
AIDS/HIV Program
Division of Public Health
608/266-0682 (voice)
608/266-1288 (fax)
mcfadme@dhfs.state.wi.us

Ellen,

In both the analysis and the proposed statute changes there are two points we want to clarify:

The first is to limit the copayments to only drugs that are covered by ADAP. The way the proposed statute reads it seems as if the pilot would pay for copays on non- ADAP drugs if a participant owed a copay. Our intention is to only pay copays on ADAP covered drugs, so we added language to limit the copays to these drugs.

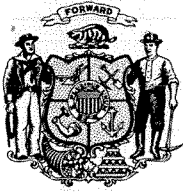
The second is to clarify how many can be on the program. To us the proposed statute seems to say only a total of 100 could be on. We would want the flexibility to add a new person if someone dropped out. This would mean that over the life of the pilot more than 100 could participate, but at any given time during the pilot a maximum of 100 would be on the program.

Our changes in the analysis:

This bill requires DHFS to conduct a three-year pilot program under which DHFS may pay premiums ~~and copayments~~ under the Health Insurance Risk-Sharing Plan (HIRSP) and HIRSP copayments for drugs authorized for payment under the AZT-reimbursement program for up to 100 individuals at any one time who are eligible for the AZT-reimbursement program, who do not

Our changes in the proposed statute change on page 2, lines 15 -17:

... pay premiums for coverage, ~~and copayments for prescription drugs,~~ under the Health Insurance Risk-Sharing Plan under subch.II of ch. 149, and copayments for prescription drugs authorized for payment under subch. V of ch. 49, 49.686 sub. (2) and sub. (4) (c), for not more than 100 individuals at any one time who satisfy all of the following...



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1609/2

PJK:jld:rs

rmisrun

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AIDS drug assistance participants

FOR 2007-09 BUDGET -- NOT READY FOR INTRODUCTION

(in 1-25)

*do not
you cut*

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

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

HEALTH

Under current law, DHFS administers a program under which individuals with a human immunodeficiency virus (HIV) infection may receive reimbursement for the cost of the drug azidothymidine (AZT) or other cost-effective alternatives. DHFS also administers a program under which individuals with an HIV infection may have health insurance premiums subsidized if they are on unpaid medical leave, or have had to discontinue their employment or reduce their hours, because of a medical condition arising from or related to the HIV infection. This bill requires DHFS to conduct a three-year pilot program under which DHFS may pay premiums and drug copayments under the Health Insurance Risk-Sharing Plan (HIRSP) for up to 100 individuals who are eligible for the AZT-reimbursement program, who do not have health insurance coverage, and who are not eligible for the health insurance premium subsidy program because they are not on unpaid medical leave and have not had to discontinue employment or reduce hours because of their medical condition. HIRSP is, generally, a health insurance program administered by the HIRSP Authority that provides major medical health insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested

Insert A

positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.

For further information see the *state* 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:

SECTION 1. 20.435 (5) (am) of the statutes is amended to read:

20.435 (5) (am) *Services, reimbursement and payment related to human immunodeficiency virus.* The amounts in the schedule for the purchase of services under s. 252.12 (2) (a) for individuals with respect to human immunodeficiency virus and related infections, including hepatitis C virus infection, to subsidize premium payments under ss. 252.16 and 252.17, for grants for the prevention of human immunodeficiency virus infection and related infections, including hepatitis C virus infection, under s. 252.12 (2) (c) 2. and 3., and to reimburse or supplement the reimbursement of the cost of AZT, pentamidine and certain other drugs under s. 49.686, and to pay for premiums and drug copayments under the pilot program under s. 49.686 (6).

Subject to par. (b),

SECTION 2. 49.686 (6) of the statutes is created to read:

49.686 (6) HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM. (a) The department shall conduct a 3-year pilot program under which the department may pay premiums for coverage, and copayments for prescription drugs, under the Health Insurance Risk-Sharing Plan under subch. II of ch. 149 for not more than 100 individuals who satisfy all of the following:

1. The individuals are eligible for reimbursement under this section.
2. The individuals are currently taking antiretroviral drugs.

13
14
15
16
17

Inset 2-17 ✓

pay premiums for coverage, and copayments for prescription drugs, under the Health Insurance Risk-Sharing Plan under subch. II of ch. 149 for not more than 100

Insert 3-5

1 3. The individuals do not have health insurance coverage.

2 4. The individuals are not eligible for premium subsidies under s. 252.16 or
3 252.17 because they are not on unpaid medical leave, are not unable to continue
4 employment, and have not had to reduce their employment hours because of an
5 illness or medical condition arising from or related to HIV.

6 (6) The department may promulgate rules for the administration of the pilot
7 program. Notwithstanding s. 227.24 (3), rules under this paragraph may be
8 promulgated as emergency rules under s. 227.24 without a finding of emergency.

9 SECTION 3. 149.12 (3) (a) of the statutes is amended to read:

10 149.12 (3) (a) Except as provided in pars. (b) and ~~(bm)~~ to (c), no person is eligible
11 for coverage under the plan for whom a premium, deductible, or coinsurance amount
12 is paid or reimbursed by a federal, state, county, or municipal government or agency
13 as of the first day of any term for which a premium amount is paid or reimbursed and
14 as of the day after the last day of any term during which a deductible or coinsurance
15 amount is paid or reimbursed.

16 SECTION 4. 149.12 (3) (c) of the statutes is created to read:

17 149.12 (3) (c) Persons for whom premium costs for health insurance coverage
18 and copayments for ^{certain} prescription drugs are paid under the pilot program under s.
19 49.686 (6) are not ineligible for coverage under the plan by reason of such payments.

20 (END)

2007-2008 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1609/2ins
PJK:jld:rs

INSERT A

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for coverage under the Health Insurance Risk-Sharing Plan (HIRSP), and
copayments under HIRSP for drugs eligible for reimbursement under the
AZT-reimbursement program, for up to 100 individuals at any given time who: 1)
are eligible for the AZT-reimbursement program; 2) do not have health insurance
coverage; and 3) *AS*

(END OF INSERT A)

INSERT 2-17

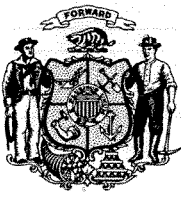
woff
1 pay premiums for coverage under the Health Insurance Risk-Sharing Plan
2 under subch. II of ch. 149, and pay copayments under that plan for prescription drugs
3 for which reimbursement may be provided under sub. (2) for *AS*

(END OF INSERT 2-17)

INSERT 3-5

CH *pilot*
4 (b) The program shall be limited to no more than 100 individuals at any given
5 time.

(END OF INSERT 3-5)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-1609/2

PJK:jld:pg

DOA:.....Jablonsky, BB0406 - Pilot program for coverage under HIRSP for
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insurance coverage for persons who are covered under Medicare because they are disabled, persons who have tested positive for HIV, and persons who have been refused coverage, or coverage at an affordable price, in the private health insurance market because of their mental or physical health conditions.

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5 and related infections, including hepatitis C virus infection, to subsidize premium
6 payments under ss. 252.16 and 252.17, for grants for the prevention of human
7 immunodeficiency virus infection and related infections, including hepatitis C virus
8 infection, under s. 252.12 (2) (c) 2. and 3., ~~and~~ to reimburse or supplement the
9 reimbursement of the cost of AZT, pentamidine and certain other drugs under s.
10 49.686, and to pay for premiums and drug copayments under the pilot program
11 under s. 49.686 (6).

12 **SECTION 2.** 49.686 (6) of the statutes is created to read:

13 49.686 (6) **HEALTH INSURANCE RISK-SHARING PLAN PILOT PROGRAM.** (a) Subject
14 to par. (b), the department shall conduct a 3-year pilot program under which the
15 department may pay premiums for coverage under the Health Insurance
16 Risk-Sharing Plan under subch. II of ch. 149, and pay copayments under that plan
17 for prescription drugs for which reimbursement may be provided under sub. (2), for
18 individuals who satisfy all of the following:

19 1. The individuals are eligible for reimbursement under this section.

