

## 2009 DRAFTING REQUEST

### Bill

Received: 11/30/2009

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Gordon Hintz (608) 266-2254**

By/Representing: **Cecely Castillo**

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: **Rep.Hintz@legis.wisconsin.gov**

Carbon copy (CC:) to:

---

### Pre Topic:

No specific pre topic given

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### Topic:

Add behavior analysts to list of providers treating autism for whose services insurance must pay

---

### 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 11/30/2009	jdye 12/07/2009		_____			
/1			phenry 12/07/2009	_____	mbarman 12/07/2009		
/2	pkahler 01/06/2010 pkahler 02/12/2010	jdye 01/07/2010	rschluet 01/07/2010	_____	cduerst 01/07/2010	mbarman 02/15/2010	

Vers.      Drafted      Reviewed      Typed      Proofed      Submitted      Jacketed      Required

FE Sent For: **NONE**

**<END>**

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				_____			
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FE Sent For:

<END>

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Received: **11/30/2009**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Mark Gottlieb (608) 267-2369**

By/Representing: **Denise Solie**

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: **Rep.Gottlieb@legis.wisconsin.gov**

Carbon copy (CC:) to:

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/1			phenry 12/07/2009	_____	mbarman 12/07/2009		
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Wanted: **As time permits**

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By/Representing: **Denise Solie**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Insurance - health**

Extra Copies:

Submit via email: **YES**

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/?      pkahler      jdye  
11/30/2009      12/07/2009

/1      *1/2 1/7 jld*      phenry      *[Signature]*      mbarman  
12/07/2009      12/07/2009

FE Sent For:

*[Signature]*  
<END> 1/7

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**Bill**

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Received By: **pkahler**

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/?

pkahler

1 12/7 JL

PH

AD

12/17  
EF <END>

FE Sent For:



**Kahler, Pam**

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**From:** Solie, Denise  
**Sent:** Monday, November 30, 2009 12:30 PM  
**To:** Kahler, Pam  
**Cc:** Handrick, Diane  
**Subject:** drafting request - autism  
**Attachments:** Proposed Language for Amendment to Include BCBA's.doc

Pam,

Please draft the attached language as a bill.

Please contact me if you have any questions. Thanks.

Denise Solie  
Office of Rep. Mark Gottlieb  
(608) 267-2370  
*Good government starts here!*

An Act to amend 632.895(12m)(b) and to renumber and amend 632.895(12m)(b) 4, and to renumber 632.895(12m)(b) 5, 632.895(12m)(b) 6, and 632.895(12m)(b) 7 of the statutes; relating to: insurance coverage for treatment of autism spectrum disorders.

**Section 1.** 632.895(12m)(b) 4 is renumbered 632.895(12m)(b) 5 and is amended to read:  
632.895(12m)(b) 5. A paraprofessional working under the supervision of a provider listed under subds. 1. to 3 4.

**Section 2.** 632.895(12m)(b) 4 is created to read:  
632.895(12m)(b) 4. A behavior analyst who is certified to practice applied behavior analysis by the Behavior Analyst Certification Board, Inc.

**Section 3.** 632.895(12m)(b) 5 is renumbered 632.895(12m)(b) 6.

**Section 4.** 632.895(12m)(b) 6 is renumbered 632.895(12m)(b) 7.

**Section 5.** 632.895(12m)(b) 7 is renumbered 632.895(12m)(b) 8.



Jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

insurance coverage of the services of

for autism treatment

AN ACT relating to behavior analysts.

**Analysis by the Legislative Reference Bureau**

Under current law, health insurance policies and self-insured governmental and school district health plans are required to cover a specified amount of intensive-level services and nonintensive-level services provided to an insured for the treatment of autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified if the treatment is prescribed by a physician and provided by any of the following providers who are qualified to provide intensive-level services or nonintensive-level services: a psychiatrist, a psychologist, a social worker who is certified or licensed to practice psychotherapy, a paraprofessional working under the supervision of any of those three types of providers, a professional working under the supervision of an outpatient mental health clinic, a speech-language pathologist, or an occupational therapist. This bill provides that the coverage must also apply to services provided by a behavior analyst who is certified to practice applied behavior analysis by the Behavior Analyst Certification Board, Inc., or by a paraprofessional working under the supervision of such a behavior analyst, if the behavior analyst or paraprofessional is qualified to provide intensive-level services or nonintensive-level services.

as long as

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

1 632.895 (12m) (b) 3m. A behavior analyst who is certified to practice behavior  
2 analysis by the Behavior Analyst Certification Board, Inc. ✓

3 SECTION 2. 632.895 (12m) (b) 4. of the statutes, as created by 2009 Wisconsin  
4 Act 28, is amended to read:

5 632.895 (12m) (b) 4. A paraprofessional working under the supervision of a  
6 provider listed under subds. 1. to 3. 3m. ✓

Handwritten annotations: "strike" with an arrow pointing to a circled "3" in "3. 3m.", and "score" with an arrow pointing to the "3m." text.

History: 1981 c. 39 ss. 4 to 12, 18, 20; 1981 c. 85, 99; 1981 c. 314 ss. 122, 123, 125; 1983 a. 36, 429; 1985 a. 29, 56, 311; 1987 a. 195, 327, 403; 1989 a. 129, 201, 229, 316, 332, 359; 1991 a. 32, 45, 123; 1993 a. 443, 450; 1995 a. 27 ss. 7048, 9126 (19); 1995 a. 201, 225; 1997 a. 27, 35, 75, 175, 237; 1999 a. 32, 115; 1999 a. 150 s. 672; 2001 a. 16, 82; 2007 a. 20 s. 9121 (6) (a); 2007 a. 36, 153; 2009 a. 14, 28.

7 SECTION 3. Initial applicability.

8 (1) If a disability insurance policy or a governmental self-insured health plan ✓  
9 that is in effect on the effective date of this subsection contains a provision that is  
10 inconsistent with this act, this act first applies to that policy or plan on the date on  
11 which it is renewed. ✓

12 (END)

Handwritten signature or initials at the bottom of the page.

DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU

LRB-3912/dn  
PJK:....

date

Jld

under current law

any

To avoid impairing contracts, I have provided an initial applicability for those policies, if any, that specify the types of providers to which the autism coverage applies.

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

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

LRB-3912/1dn  
PJK:jld:ph

December 7, 2009

To avoid impairing any contracts, I have provided an initial applicability for those policies, if any, that specify the types of providers under current law to which the autism coverage applies.

Pamela J. Kahler  
Senior Legislative Attorney  
Phone: (608) 266-2682  
E-mail: [pam.kahler@legis.wisconsin.gov](mailto:pam.kahler@legis.wisconsin.gov)



State of Wisconsin  
2009 - 2010 LEGISLATURE

LRB-3912/7  
PJK:jld:ps

2  
r m is run

2009 BILL

(in 1-b)

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Regen

1 AN ACT *to amend* 632.895 (12m) (b) 4.; and *to create* 632.895 (12m) (b) 3m. of  
2 the statutes; **relating to:** insurance coverage of the services of behavior  
3 analysts for autism treatment. ✓

*Analysis by the Legislative Reference Bureau*

Under current law, health insurance policies and self-insured governmental and school district health plans are required to cover a specified amount of intensive-level services and nonintensive-level services provided to an insured for the treatment of autism, Asperger's syndrome, and pervasive developmental disorder not otherwise specified as long as the treatment is prescribed by a physician and provided by any of the following providers who are qualified to provide intensive-level services or nonintensive-level services: a psychiatrist; a psychologist; a social worker who is certified or licensed to practice psychotherapy; a paraprofessional working under the supervision of any of those three types of providers; a professional working under the supervision of an outpatient mental health clinic; a speech-language pathologist; or an occupational therapist. This bill provides that the coverage must also apply to services provided by a behavior analyst who is certified to practice applied behavior analysis by the Behavior Analyst Certification Board, Inc., or by a paraprofessional working under the supervision of

✓  
excluding an assistant behavior analyst,

→  
→

→





**2009-2010 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3912/2ins  
PJK:.....

INSERT 2-3

1

wft

, excluding a person who is certified as an assistant behavior analyst.

(END OF INSERT 2-3)

**Kahler, Pam**

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**From:** Solie, Denise  
**Sent:** Wednesday, December 23, 2009 10:19 AM  
**To:** Kahler, Pam  
**Subject:** Request for 09-3912/2  
**Attachments:** New Amendment Language 20091218.doc

Pam,

Would you please draft a /2 that includes the following language:

632.895(12m) (b) 3m. A behavior analyst who is certified as a Board Certified Behavior Analyst (BCBA) or Board Certified Behavior Analyst – D (BCBA-D) to practice behavior analysis by the Behavior Analyst Certification Board, Inc.

There are three levels of Board Certification for BCBA's:

Board Certified Assistant Behavior Analyst BCABA (Bachelor's degree, requires supervision from BCBA or BCBA-D)

Board Certified Behavior Analyst BCBA (Master's degree, requires no supervision)

Board Certified Behavior Analyst-Doctorate BCBA-D (Doctorate, requires no supervision)

We want to be clear that we are not giving BCABAs (who have a lower level of training, education and expertise) the ability to practice at the same level as psychiatrists, psychologists, etc.

Please call if you have questions. Thanks.

denise  
7-2369

PS. Happy Holidays to you and your family!

12/26/2009

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## Kahler, Pam

---

**From:** Solie, Denise  
**Sent:** Friday, February 12, 2010 10:15 AM  
**To:** Kahler, Pam  
**Cc:** Castillo, Cecely  
**Subject:** LRB 3912

**Importance:** High

Pam,

Mark and I have been working with Rep. Hintz and Cecely on LRB 3912.

Please consider this email approval of release of the draft/drafting file to Rep. Hintz.

Please call if you have any questions. Thanks.

Denise Solie  
Office of Rep. Mark Gottlieb  
(608) 267-2370  
*Good government starts here!*

**Kahler, Pam**

---

**From:** Castillo, Cecely  
**Sent:** Friday, February 12, 2010 5:03 PM  
**To:** Kahler, Pam  
**Subject:** RE: draft

Request to have jacketed for introduction. Thank you!

Cecely Castillo  
Office of Representative Gordon Hintz  
322 West, State Capitol  
608-266-2254 or  
888-534-0054 toll-free  
cecely.castillo@legis.wisconsin.gov

*please jacket for  
Assembly*

---

**From:** Kahler, Pam  
**Sent:** Friday, February 12, 2010 10:30 AM  
**To:** Castillo, Cecely  
**Subject:** draft

Cecely: ←

LRB-3912 has now been officially changed over to your office. You can request redrafts with changes to the language or you can request to have it jacketed for introduction.

Pam

*Pamela J. Kahler  
Legislative Attorney  
Legislative Reference Bureau  
608-266-2682*