

2009 DRAFTING REQUEST

Bill

Received: **02/03/2010**

Received By: **pkahler**

Wanted: **As time permits**

Companion to LRB:

For: **Spencer Black (608) 266-7521**

By/Representing: **himself**

May Contact:

Drafter: **pkahler**

Subject: **Insurance - health**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Black@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require health insurance coverage of smoking cessation treatment

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 02/04/2010	bkraft 02/17/2010		_____			S&L
/1			mduchek 02/18/2010	_____	cduerst 02/18/2010		S&L
/2	pkahler 02/26/2010	bkraft 02/26/2010	rschluet 03/01/2010	_____	cduerst 03/01/2010	cduerst 03/29/2010	

FE Sent For:

*at
intro*

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12 bjk 2/26

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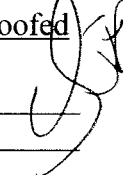
Topic:

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Instructions:

See attached

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/?	pkahler	1 bjk 2/17					
			2/17				

FE Sent For:

<END>

Kahler, Pam

From: Rep.Black
Sent: Wednesday, February 03, 2010 3:57 PM
To: Kahler, Pam
Subject: RE: Redraft of 2005 AB 799

No, my mistake
Thanks for catching it

I should have said US Public Health Services Clinical Practice Guidelines for line 4-6

thanks

From: Kahler, Pam
Sent: Wednesday, February 03, 2010 3:55 PM
To: Rep.Black
Subject: RE: Redraft of 2005 AB 799

By removing lines 1 to 6 on page 4, you are getting rid of the requirement to cover smoking cessation treatment, correct?
If so, lines 7 and 8 would come out, too. Does that sound right?

Pam

From: Rep.Black
Sent: Wednesday, February 03, 2010 3:30 PM
To: Kahler, Pam
Cc: Zimmerman, Terri
Subject: Redraft of 2005 AB 799

Pam

I would like to redraft 2005 AB 799 with the following changes

On page 4, delete lines 1-6

Page 4, delete line 17

Substitute:

Bupropion or its generic equivalent
Varenicline or its generic equivalent

Thank you Spencer Black



State of Wisconsin
2005-2006 LEGISLATURE
2009-2010

FROM
2005
0434/1

4265/1
LRB-0434/1
PJK:mak:re
bjk

2009 ←
2005 ASSEMBLY BILL 799

Vote
(2-4)
SA
x-rd
Inserts

October 31, 2005 - Introduced by Representative BLACK. Referred to Committee on Insurance.

regenerate ↓

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 smoking cessation
4 treatment and medications.

Insert A-1

Analysis by the Legislative Reference Bureau

This bill requires a health care plan to provide coverage of smoking cessation treatment that is provided in conformity with recommendations set forth in a publication of the federal Agency for Healthcare Research and Quality, as well as coverage of certain specified smoking cessation medications. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and plans offered by 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 does not apply to health care plans that are offered by limited service health organizations or to health care plans that cover only specified diseases. The requirement may be subject to any limitations, exclusions, or cost-sharing provisions that apply generally under the policy or plan.

Such as dental or vision

limited benefit

ASSEMBLY BILL 799

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:

SECTION 1. 40.51 (8) of the statutes is amended to read:

40.51 (8) Every health care coverage plan offered by the state under sub. (6) shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8) and (10), 632.747, 632.748, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(14)~~ (15), and 632.896.

SECTION 2. 40.51 (8m) of the statutes is amended to read:

40.51 (8m) Every health care coverage plan offered by the group insurance board under sub. (7) shall comply with ss. 631.95, ~~632.746 (1) to (8) and (10)~~, 632.747, 632.748, 632.83, 632.835, ~~632.85, 632.853, 632.855,~~ and 632.895 (11) to ~~(14)~~ (15).

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

66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or a village provides health care benefits under its home rule power, or if a town provides health care benefits, to its officers and employees on a self-insured basis, the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 ~~(9) to (14)~~ (15), 632.896, and 767.25 (4m) (d).

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

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

(11) to (14), (16), and (17)

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

ASSEMBLY BILL 799

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120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.895 (9) to (14) (15), 632.896, and 767.25 (4m) (d).

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

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

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

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

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SECTION 8. 609.785 of the statutes is created to read:

609.785 Coverage of smoking cessation treatment. Defined network plans are subject to s. 632.895 (13m).

SECTION 9. 632.895 (13m) of the statutes is created to read:

632.895 (13m) SMOKING CESSATION TREATMENT AND MEDICATION. (a) In this subsection, "self-insured health plan" means a self-insured health plan of the state or a county, city, village, town, or school district.

ASSEMBLY BILL 799

SECTION 9

1 (b) 1. Subject to subd. 2. and except as provided in par. (e), every disability
 2 insurance policy and every self-insured health plan shall provide coverage of
 3 smoking cessation treatment that is provided in conformity with the
 4 recommendations set forth in Tobacco Cessation Guideline, released on June 27,
 5 2000, by the federal department of health and human services, agency for healthcare
 6 research and quality.

Insert 4-b

7 2. A disability insurance policy or self-insured health plan is not required to
 8 cover smoking cessation treatment more than 3 times for any insured individual.

9 (c) Except as provided in par. (e), every disability insurance policy and every
 10 self-insured health plan shall provide coverage of all of the following medications if
 11 approved for use by the federal food and drug administration and if prescribed for
 12 smoking cessation:

- 13 1. Nicotine gum.
- 14 2. Nicotine patch.
- 15 3. Nicotine nasal spray.
- 16 4. Nicotine inhaler.
- 17 5. ~~Zyban~~ or its generic equivalent.

Bupropion

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

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

- 22 1. A ~~health care plan offered by a~~ limited service health organization, as defined in s. 609.01 (3).
- 23 2. A ~~health care plan offered by a~~ preferred provider plan, as defined in s. 609.01 (4), that is not a defined
 24 network plan, as defined in s. 609.01 (1b).
- 25 3. A disability insurance policy that covers only certain specified diseases.

Insert 4-17

SECTION 10. Initial applicability.

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

Please check auto-refr

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

check auto-ref

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

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

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

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

Governmental or school district X2

SECTION 11. Effective date.

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

7

(END)

D-ute

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4265/ins
PJK:.....

INSERT A-1

not the Clinical Practice Guideline for treating tobacco use and dependence sponsored by the Public Health Service of the federal Department of Health and Human Services

(END OF INSERT A-1)

INSERT 4-6

1

not the *current* Clinical Practice Guideline *for treating tobacco use and dependence* released in May 2008, sponsored by the public health service of the U.S. department of health and human services, and entitled

2

3

"Treating Tobacco Use and Dependence"

(END OF INSERT 4-6)

INSERT 4-17

4

B 6. Varenicline or its generic equivalent.

(END OF INSERT 4-17)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

Date

①
LRB-4265/jdn

PJK:.....

Lbjk

①
Is limiting the Guideline to the current updated version too specific? Is it possible that the Guideline will be updated over and over again? Is it possible that something not called Clinical Practice Guideline will take its place in the future? It might be best to use a description instead, such as the most recent or current recommendations approved or advocated or recognized by the U.S. department of health and human services for treating tobacco use and dependence.

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-4265/1dn

PJK:bjk:md

February 18, 2010

Is limiting the Guideline to the current version too specific? Is it possible that the Guideline will be updated over and over again? Is it possible that something not called *Clinical Practice Guideline* will take its place in the future? It might be best to use a description instead, such as the most recent or current recommendations approved or advocated or recognized by the U.S. department of health and human services for treating tobacco use and dependence.

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

Kahler, Pam

From: Zimmerman, Terri
Sent: Friday, February 26, 2010 8:58 AM
To: Kahler, Pam
Cc: Rep.Black
Subject: Revisions to LRB4265/1- smoking cessation treatment

Pam,

Spence would like the following changes made to LRB4265/1:

Page 2, line 11, delete "current" and change to "most recent Clinical Practice Guideline".

Page 2, line 17, delete "all of the following" and then on line 19 after "smoking cessation" insert "including but not limited to". This covers any new developments in medication for cessation that may be approved by the FDA in the future.

Terri Zimmerman
Rep. Black's office
266-7521



2

stays ————
Krisner

2009 BILL

→ vote
(in 2-26)
SA

that are approved by the
federal and food and drug administration
and prescribed cessation. drug administration
cessation. for smoking

re-gen.

- 1 AN ACT to create 609.785 and 632.895 (13m) of the statutes; relating to: health
- 2 insurance coverage of smoking cessation treatment and medications.

Analysis by the Legislative Reference Bureau

This bill requires a health care plan to provide coverage of smoking cessation treatment that is provided in conformity with recommendations set forth in the Clinical Practice Guideline for treating tobacco use and dependence sponsored by the Public Health Service of the federal Department of Health and Human Services, as well as coverage of certain specified smoking cessation medications. The coverage requirement applies to both individual and group health insurance policies and plans, including defined network plans and plans offered by 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 does not apply to limited benefit health care plans, such as dental or vision plans, or to health care plans that cover only specified diseases. The requirement may be subject to any limitations, 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:

most recent

BILL

1 SECTION 1. 609.785 of the statutes is created to read:

2 **609.785 Coverage of smoking cessation treatment.** Defined network
3 plans are subject to s. 632.895 (13m).

4 SECTION 2. 632.895 (13m) of the statutes is created to read:

5 632.895 (13m) SMOKING CESSATION TREATMENT AND MEDICATION. (a) In this
6 subsection, "self-insured health plan" means a self-insured health plan of the state
7 or a county, city, village, town, or school district.

8 (b) 1. Subject to subd. 2. and except as provided in par. (e), every disability
9 insurance policy and every self-insured health plan shall provide coverage of
10 smoking cessation treatment that is provided in conformity with the
11 recommendations set forth in the current Clinical Practice Guideline for treating
12 tobacco use and dependence sponsored by the public health service of the U.S.
13 department of health and human services.

most recent

14 2. A disability insurance policy or self-insured health plan is not required to
15 cover smoking cessation treatment more than 3 times for any insured individual.

16 (c) Except as provided in par. (e), every disability insurance policy and every
17 self-insured health plan shall provide coverage of all of the following medications if
18 approved for use by the federal food and drug administration and if prescribed for
19 smoking cessation.

including all of the following

- 20 1. Nicotine gum.
- 21 2. Nicotine patch.
- 22 3. Nicotine nasal spray.
- 23 4. Nicotine inhaler.
- 24 5. Bupropion or its generic equivalent.
- 25 6. Varenicline or its generic equivalent.

BILL

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

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

5 1. A health care plan offered by a limited service health organization, as defined
6 in s. 609.01 (3).

7 2. A health care plan offered by a preferred provider plan, as defined in s. 609.01
8 (4), that is not a defined network plan, as defined in s. 609.01 (1b).

9 3. A disability insurance policy that covers only certain specified diseases.

10 **SECTION 3. Initial applicability.**

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

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

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

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

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

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

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4265/2dn

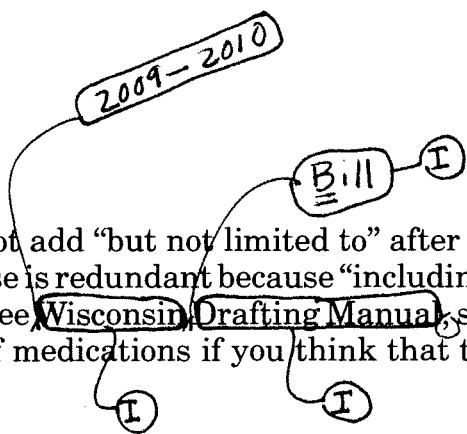
PJK:.....

ljk

Date

In case you are wondering why I did not add "but not limited to" after "including," it is a rule of drafting that to add the phrase is redundant because "including" means that the list that follows is not exhaustive. See Wisconsin Drafting Manual, section 2.01 (1) (i). You may wish to remove the list of medications if you think that the list will be limiting.

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-4265/2dn
PJK:bjk:md

February 26, 2010

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

Duerst, Christina

From: Zimmerman, Terri
Sent: Monday, March 29, 2010 9:23 AM
To: LRB.Legal
Subject: Draft Review: LRB 09-4265/2 Topic: Require health insurance coverage of smoking cessation treatment

Please Jacket LRB 09-4265/2 for the ASSEMBLY.