



**WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS**

**2009-10**

(session year)

**Senate**

(Assembly, Senate or Joint)

**Committee on ... Health, Health Insurance,  
Privacy, Property Tax Relief, and Revenue  
(SC-HHIPTRR)**

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



Robert J. Marchant

Chief Clerk  
Director of Operations  
Wisconsin State Senate

Kelley-

I am forwarding Abs to you  
as clerk of the health  
committee.

-RJM

State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882  
Phone (608) 266-2517  
Fax (608) 266-0643  
Robert.Marchant@legis.wi.gov

Tyler Mills #311422  
Wisconsin Resource Center  
1300 South Drive  
P.O. Box 220  
Winnebago, WI 54985-0220  
Wednesday, January 28, 2009

Robert J. Marchant, Senate Chief Clerk  
Room B20 Southeast, State Capitol  
P.O. Box 7882  
Madison, WI 53707-7882

Dear senate Chief Clerk Marchant:

It is my understanding that they are doing a Legislative Audit of Mental Health Treatment by the Wisconsin Department of Corrections. I am writing this letter to you to explain my experiences with the mental health systems at the Wisconsin Resource Center and the various county jails that I have been in. In brief, I have (and have had since birth) Fetal Alcohol Syndrome (a Fetal Alcohol Spectrum Disorder - FASD) with confirmed brain damage (confirmed by MRI analysis), which is a type of irreversible brain damage, described as "severe" and which is marked by a tendency to repeat behavior regardless of consequences, impaired reasoning ability, and lack of impulse control. The Centers for Disease Control notes that, for individuals with FASD who are involved in criminal justice system, law enforcement officials working in correctional institutions must gain an increased understanding of the manifestations of this condition, as there is a high risk of inappropriate responses with behavior arising from disability related deficits being perceived and responded to as volitional, intentional, "bad" behavior. Interventions developed and implemented by trained individuals to address "deficits in functioning skills" are essential.

A very good example of this "high risk of inappropriate responses with behavior..." is what Wisconsin Resource Center is currently doing to me. They are severely punishing me (270 days of Disciplinary Separation) for FASD-related problems I had at the Pierce County Jail immediately prior to me arriving here at WRC. In addition to this, as of Monday, December 8, 2008, they claim that I have "no treatment needs" and are trying to send me to a segregation unit of one of Wisconsin's maximum-security prisons - the absolute worst thing they can do to me (I am a medium-security inmate). I truly believe this is in retaliation for me seeking appropriate care and treatment to meet my serious medical, mental health, and developmental disability needs (which they obviously cannot, or will not, provide to me here). I can't really explain this all to you in detail, but I strongly encourage you to contact my former Disability Rights Attorney Todd Winstrom (608-267-0214; [toddw@drwil.org](mailto:toddw@drwil.org) (e-mail)) and my doctor, Dr. Natalie Novick Brown (425-275-1238; [fnatnat@yahoo.com](mailto:fnatnat@yahoo.com) (e-mail); [www.fasdexperts.com](http://www.fasdexperts.com) (website)), and they can explain my situation to you in depth. Both have my permission to talk to you. Both can explain to you all of the problems I have, as they have all of my records and we have known each other for a long time (Dr. Brown almost 5 years and Todd almost 2 years). What you will find makes alot of people think we have returned to a time when people with mental illnesses were cast into dungeons to waste away. Suicide has always been in the back of my mind and is seriously beginning to feel like its

my only option - Nobody that has any power to change anything cares.

In addition to all of the materials Todd Winstrom and Dr. Natalie Novick Brown will send to you when you talk to them, The Capital Times did 2 huge articles on me, the most recent a huge human interest article on me on May 14, 2008, titled "Criminal minds? Some say justice system fails inmates with fetal alcohol disorders" and the other one was on March 29, 2008, titled "Inmate psychiatric care bashed"; please read them on their website at [www.madison.com](http://www.madison.com) (or google the titles of the articles). (The "Criminal minds?" article can also be read on my doctors website at [www.fardexperts.com](http://www.fardexperts.com)). One thing that the "Criminal minds?" article did not say is that I was sentenced to 12 1/2 years and in Wisconsin that means 12 1/2 years (there is no parole or good time or early release). The Baraboo News Republic (the local newspaper for the Sauk County area) has published many extensive articles regarding me and FASD, the first on July 7, 2007, titled "Inmate seeks treatment"; 5 other significant ones are "State checking complaints at jail", dated July 26, 2007, "Jail working to clear up inmate file issues, DOC official says", dated July 28, 2007, "Fetal alcohol disorder in background of case involving jail inmate", dated September 15, 2007, "Fetal alcohol exposure often means trouble for infants later in life", dated September 17, 2007, and "Inmate reaches agreement", dated October 4, 2007; please read them on their website at [www.wiscnews.com/bnr](http://www.wiscnews.com/bnr) (or google the titles of the articles).

In addition to my immediate problems (as described above) I have 4 other very important issues to bring up with you:

1. Why doesn't Wisconsin have any specialized supports and services for people in the Wisconsin Prison System and jails for people diagnosed with Fetal Alcohol Spectrum Disorders?
2. Why doesn't Wisconsin have any specialized supports and services (especially residential structured housing) in the community for people diagnosed with Fetal Alcohol Spectrum Disorders?
3. Why does the DOC and DHS refuse to recognize Fetal Alcohol Spectrum Disorders as both a physical, mental, and developmental disability, that requires specialized supports and services?
4. Why doesn't Wisconsin have a Fetal Alcohol Syndrome Interagency Workgroup (FASIAWG) similar to what Washington state has (see [www.fasdwa.org](http://www.fasdwa.org))? Wisconsin desperately needs something similar.

If at all possible, please send me the following:

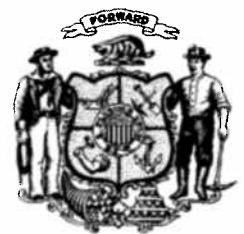
1. Any and all information that you have relating to any of the many issues described in this letter;
2. Any and all newsletters, bulletins, and reports that you have relating to these many issues;
3. The Wisconsin Blue Book;
4. Any and all other information that you think may be of assistance to me (including resource directories); and
5. Please send my name, #, and address, to anybody else that you think may be of assistance to me (feel free to send them a copy of this letter and/or a copy of any of the above-listed articles).

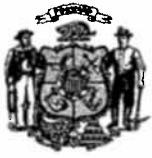
Please contact Todd Winstrom and Dr. Natalie Novick Brown. Please reply as soon as possible. Thank you.

Sincerely, *lyl* Tyler Mills



# WISCONSIN STATE LEGISLATURE





# State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Jim Doyle, Governor  
Sean Dilweg, Commissioner

Wisconsin.gov

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## PRESS RELEASE

FOR IMMEDIATE RELEASE  
October 1, 2009

For more information contact:

Jim Guidry  
(608)264-6239 or  
[jim.guidry@wisconsin.gov](mailto:jim.guidry@wisconsin.gov)

### COBRA/Continuation emergency rules announced

**MADISON, WI**-Wisconsin Governor Jim Doyle along with United States Representative Ron Kind and Insurance Commissioner Sean Dilweg announced that an emergency rule has been issued that will make federally subsidized health insurance available for employees and their families who are laid off when their employers go out of business. The Wisconsin Office of the Commissioner of Insurance ("OCI") issued an emergency rule to require insurers to continue group health insurance coverage for laid-off employees, and their families, even when their former employer goes out of business or otherwise discontinues group health coverage.

"This is very good news for Wisconsin families struggling with their health benefits," said Doyle. "Wisconsin families should not lose their chance to maintain health insurance coverage because employers have closed shop or can no longer afford to maintain employer-sponsored coverage."

Under both federal and state law a laid-off employee may elect to continue group health insurance coverage. However if the employer discontinues its business the group health insurance coverage for former employees is dropped. The federal American Recovery and Reinvestment Act of 2009 (ARRA) gave certain employees laid off before January 1, 2010 a 65% health insurance premium subsidy to help pay for 9 months of their former employer's group health insurance coverage.

If an employer goes out of business, however, the employer's health plan also disappears, leaving families uninsured. The emergency rule issued by OCI will have the effect of allowing laid-off employees to continue to receive the 65% premium subsidy under the federal American Recovery and Reinvestment Act of 2009 (ARRA) after their employer group health insurance policy terminates. The emergency rule will be retroactive to June 30, 2009 for employer group health insurance policies that were discontinued on or after that date. The federal premium subsidy and the emergency rule are temporary measures. The federal subsidy is not available for employees laid off after the end of the year.

"It was not the intent of Congress to make families in need of health insurance coverage lose access to the premium subsidy before exhausting their eligibility," said Rep. Kind. "Under the emergency rule, Wisconsin families will have access to health care coverage at a time when their income is most vulnerable."

The federal Centers for Medicare and Medicaid Services, US Department of Labor and the IRS have issued a "Frequently Asked Question" (FAQ) on their web site which indicates that a similar law in Rhode Island is eligible for the federal premium subsidy. "This federal guidance is sufficient to ensure the federal premium subsidy will be available for this program," said Dilweg. "Nevertheless Representative Kind is seeking specific assurance from the IRS."

(more)

"It's important that employers, insurance agents, and insurers step up to make sure that laid off employees are told about this chance to get federally subsidized continuation of their group health insurance coverage." Dilweg said. "The emergency rule requires them to assist laid off employees to obtain the benefits and I expect that they will be eager to get the word out."

This emergency rule is not applicable to employers who terminate self-funded health plans. The State can only require continued coverage for a group health insurance policy issued by an insurer. Federal law prevents OCI from doing the same for employer self-funded health plans.

Created by the Legislature in 1871, Wisconsin's Office of the Commissioner of Insurance (OCI) was vested with broad powers to ensure that the insurance industry responsibly and adequately met the insurance needs of Wisconsin citizens. Today, OCI's mission is to lead the way in informing and protecting the public and responding to its insurance needs.

###



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Jim Doyle, Governor  
Sean Dilweg, Commissioner

Wisconsin.gov

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October 1, 2009

Members of the Legislature

Re: Emergency Rule affecting Section Ins 3.75, Wis. Adm. Code, relating to continuation of group health insurance policies and affecting small business

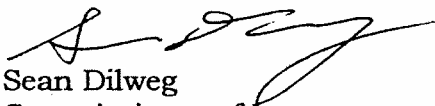
Dear Senator or Representative to the Assembly:

I have promulgated the attached rule as an emergency rule. The rule will be published in the official State newspaper on October 1, 2009.

The attached copy of the rule includes the Finding of Emergency which required promulgation of the rule.

If you have any questions, please contact Robert Luck at (608) 266-0082 or e-mail at [robert.luck@wisconsin.gov](mailto:robert.luck@wisconsin.gov).

Sincerely,

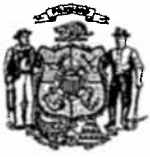


Sean Dilweg  
Commissioner of Insurance

SD:RL

Attachment: 1 copy rule





State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

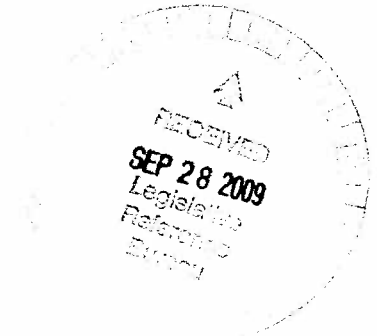
Jim Doyle, Governor  
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STATE OF WISCONSIN  
OFFICE OF THE COMMISSIONER OF INSURANCE

SS



I, Sean Dilweg, Commissioner of Insurance and custodian of the official records, certify that the annexed emergency rule affecting Section Ins 3.75, Wis. Adm. Code, relating to continuation of group health insurance policies and affecting small business, is duly approved and adopted by this Office on September 28, 2009.

I further certify that I have compared this copy with the original on file in this Office and that it is a true copy of the original, and the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 125 South Webster Street, Madison, Wisconsin, on September 28, 2009.

Sean Dilweg  
Commissioner of Insurance

**EMERGENCY ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE  
CREATING A RULE**

To create Ins 3.75, Wis. Adm. Code,

Relating to continuation of group health insurance policies.

RECEIVED  
SEP 28 2009  
Legislative  
Reference  
Bureau

**FINDING OF EMERGENCY**

Under 2009 Act 11, s. 9126, a Finding of Emergency is not required for this emergency rule. The relevant portion of 2009 Act 11 reads as follows:

**2009 Wisconsin Act 11, SECTION 9126. Nonstatutory provisions; Insurance.**

(4) CONTINUATION COVERAGE RULES (a) Notwithstanding section 632.897 of the statutes and subsections (1), (2), and (3), the commissioner of insurance may promulgate rules establishing standards requiring insurers to provide continuation of coverage for any individual covered at any time under a group policy who is a state eligible individual to whom subsection (2) or (3) applies or an assistance eligible individual, as defined under section 3001 (a) (3) of the federal act, including rules governing election or extension of election periods, notice, rates, premiums, premium payment, application of preexisting condition exclusions, and election of alternative coverage.

(b) The commissioner may promulgate the rules under paragraph (a) as emergency rules under section 227.24 of the statutes. Notwithstanding section 227.24 (1) (c) of the statutes, emergency rules promulgated under this paragraph may remain in effect for one year and may be extended under section 227.24 (2) of the statutes. Notwithstanding section 227.24 (1) (a) and (3) of the statutes, **the commissioner is not required to provide evidence that promulgating a rule under this paragraph as an emergency rule is necessary for the preservation of public peace, health, safety, or welfare and is not required to provide a finding of emergency for a rule promulgated under this paragraph.** [Emphasis Added]

**ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)**

**1. Statutes interpreted:**

ss. 600.01, 628.34 (12), Stats.

**2. Statutory authority:**

ss. 601.41 (3), 601.42, 632.897, Stats., s. 9126 of 2009 Wisconsin Act 11 and the American Recovery and Reinvestment Act of 2009, P.L. 111-5

**3. Explanation of OCI's authority to promulgate the proposed rule under these statutes:**

2009 Act 11 specifically permits the commissioner to enact this rule.

**4. Related statutes or rules:**

ss. 632.746 & 632.897, Stats.

**5. The plain language analysis and summary of the proposed rule:**

The United States Department of the Treasury, Internal Revenue Service published an interpretation of the American Recovery and Reinvestment Act of 2009 that provided a continuation election opportunity for covered employees including former employees when an employer discontinues a group health plan. The proposed rule will consider continuation coverage election options for employees that meet the requirements of s. 632.897, Stat., or s. 9126 of 2009 Wisconsin Act 11 whose employer or former employer discontinues the group health insurance policy. The proposed rule will consider election and eligibility criteria for continuation of coverage through a group policy.

**6. Summary of and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

The United States Department of the Treasury, Internal Revenue Service published in a frequently asked question and answer format the question of continuation rights for employees and their dependents when employers discontinue a group policy and determined that eligible employees would be able to elect continuation coverage that may be eligible for premium subsidy under the American Recovery and Reinvestment Act of 2009. There is no current state rule or policy on this specific issue.

**7. Comparison of similar rules in adjacent states as found by OCI:**

**Illinois:** None

**Iowa:** None

**Michigan:** None

**Minnesota:** None

**8. A summary of the factual data and analytical methodologies that OCI used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule:**

This proposed rule would enact for Wisconsin insureds the ability to elect continuation of coverage when an employer discontinues group health insurance consistent with the Internal Revenue Service's interpretation of the American Recovery and Reinvestment Act of 2009.

**9. Any analysis and supporting documentation that OCI used in support of OCI's determination of the rule's effect on small businesses under s. 227.114:**

The rule imposes no substantial requirements on small employers but would allow discontinued employees of small employer who have group insurance the ability to elect continuation of health insurance coverage.

**10. See the attached Private Sector Fiscal Analysis.**

**11. A description of the Effect on Small Business:**

This rule will have little or no negative effect on small businesses.

**12. Agency contact person:**

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the Web site at:  
<http://oci.wi.gov/ocirules.htm>

or by contacting Inger Williams, OCI Services Section, at:

Phone: (608) 264-8110  
Email: inger.williams@wisconsin.gov  
Address: 125 South Webster St – 2<sup>nd</sup> Floor, Madison WI 53703-3474  
Mail: PO Box 7873, Madison, WI 53707-7873

**13. Place where comments are to be submitted and deadline for submission:**

The deadline for submitting comments is 4:00 p.m. on the 14<sup>th</sup> day after the date for the hearing stated in the Notice of Hearing.

Mailing address:

Robert Luck  
Legal Unit - OCI Rule Comment for Rule Ins 375  
Office of the Commissioner of Insurance  
PO Box 7873  
Madison WI 53707-7873

Street address:

Robert Luck  
Legal Unit - OCI Rule Comment for Rule Ins 375  
Office of the Commissioner of Insurance  
125 South Webster St – 2<sup>nd</sup> Floor  
Madison WI 53703-3474

Email address:

Robert Luck  
robert.luck@wisconsin.gov

Web site: <http://oci.wi.gov/ocirules.htm>

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**The proposed rule changes are:**

**SECTION 1. Ins 3.75 is created to read:**

**Ins 3.75 Continuation of Discontinued Employer Provided Health Group Policy Coverage For Employees and their Dependents.**

(1) PURPOSE. The purpose of this rule is to allow assistance eligible individuals to elect continued coverage provided under s. 632.897, Stats., in circumstances where the group policy is otherwise discontinued on or after June 30, 2009 and not replaced. The rule applies only to individuals who are eligible for a premium subsidy under the federal American Recovery and Reinvestment Act of 2009. The federal act makes the premium subsidy available to those individuals who are eligible due to an involuntary employment termination prior to January 1, 2010.

(2) DEFINITIONS. In this section, unless the context requires otherwise:

(a) "Assistance eligible individual" has the meaning provided in Section 3001 (a) (3) of the federal act.

(b) "Terminated insured" means a terminated insured under s. 632.897 (1) (f) and

(2) (b) 2, Stats., whose employment has been involuntarily terminated, who has been continuously covered under a group policy for at least 3 months and who:

1. Would be entitled to elect continued coverage under s. 632.897, Stats., but for the fact that the group policy was discontinued on or after June 30, 2009 and not replaced by another group policy offered by the employer during the terminated insured's 30 day election period under s. 632.897 (3) (a), Stats.; or

2. Is receiving, on behalf of themselves and, if applicable, a spouse or dependents, continued coverage under s. 632.897, Stats., due to an involuntary termination of employment that occurred on or after September 1, 2008 and, on or after June 30, 2009, the group policy is discontinued and not replaced by a group policy offered by the employer.

(c) "Federal act" means the American Recovery and Reinvestment Act of 2009, P.L. 111-5.

**(3) ADDITIONAL CONTINUATION COVERAGE ELECTION OPPORTUNITY FOR ASSISTANCE ELIGIBLE INDIVIDUALS WHEN AN EMPLOYER DISCONTINUES AND DOES NOT REPLACE GROUP POLICY COVERAGE.**

(a) Except as provided in pars. (c) and (d) an insurer shall permit a terminated insured to elect continuation of coverage under the terms of an employer's group policy if:

1. The group policy is discontinued on or after the effective date of this rule and not replaced.
2. The group policy was discontinued on or after June 30, 2009 and prior to the effective date of this rule and not replaced.

(b) An insurer shall permit a terminated insured to elect continuation of coverage on behalf of themselves and the terminated insured's spouse and dependents if the spouse or dependents are covered under the group policy at the time the group policy was discontinued.

(c) An insurer may limit continuation of coverage under this section to individuals who are eligible for premium assistance under the federal act and who are assistance eligible individuals.

(d) This section does not require continuation of coverage if the individual:

1. Establishes residence outside this state.
2. Fails to make timely payment of a required premium amount after notice as required under s. 631.36, Stats.
3. Becomes eligible for similar coverage under another employer's group policy or for benefits under title XVIII of the Social Security Act.
4. Ceases to be eligible for premium assistance under s. 3001 (a) (2) of the federal act.
5. The individual's eligibility for continued coverage would have otherwise ceased under s. 632.897, Stats., if the group policy had not been discontinued.

(e) Coverage under this section, if elected under par. (a), shall continue uninterrupted from the date of the employer's discontinuance of the group policy. An insurer is not required to continue coverage for a period covered by a conversion policy issued under s. 632.897, Stats., for the period prior to the date of election of continuation coverage.

(f) An insurer shall provide a right to an individual conversion policy on termination of continuation of coverage under this section if the terminated insured tenders the first premium within 30 days after the continued coverage terminates. The insurer shall either include notice of this right and a description of how to make payment of premium in the notice required under sub. (4) or shall provide notice prior to termination of the continuation coverage. The conversion policy shall conform to the requirements of s. 632.897 (4), Stats. An insurer is not required to issue a conversion policy under this paragraph if issuance of an individual conversion policy is not required under the standards established in s. 632.897 (4) (d), Stats.

(4) NOTICE. (a) An employer shall provide written notice in the form required by par. (b) to each terminated insured prior to the date of discontinuance of the group policy except the employer shall provide the notice within 30 days of the effective date of this rule for an employer group policy discontinued on or after June 30, 2009 and

prior to the effective date of this rule. An employer or insurer is not required to give notice to a terminated insured who is not, and who is not entitled to elect coverage for, an assistance eligible individual.

(b) The notice required under this subsection shall include a description of the discontinuance of the group policy, the right to continuation under sub. (3) (a) and (b), an explanation of the procedure for electing continued coverage including par. (d), the payment amounts required for continuation coverage, and the manner, place, and time in which the payments shall be paid. The notice shall also include a description of the premium subsidy, the notice required under section 3001 (a) (7) of the federal act and a description of when the continuation coverage will discontinue, including a description of discontinuance under subd. (3) (d) 4.

(c) If an employer that is required to provide the notice as required under par. (a) and (b) fails to provide the notice within the time required, the insurer shall provide the notice specified in par. (b) within 10 days after the date the insurer acquires knowledge the employer has not provided the notice or the date the insurer exercising due diligence should know that the employer has not provided the notice.

(d) Insurance intermediaries shall provide reasonable assistance to insurers by notifying employers of the requirement to provide notice under this subsection and by making reasonable efforts to assist insurers in determining whether the employer complies and, if not, by making reasonable efforts to assist the insurer in giving notice.

(e) A terminated insured may elect continuation of coverage by electing continuation coverage and paying the premium due under sub. (5) (a) to either the employer or the insurer, as directed by the notice required under par. (b), within 30 days after notice is given as required under par. (a) or (c).

(5) PREMIUM. (a) The insurer may charge for coverage continued under this section an amount no more than 100% of the cost the employer incurred for providing the group policy coverage, including group rate adjustments on the date the group policy would have renewed that are based on applying rating factors to group changes that occurred prior to the discontinuance of the group policy. The employer or insurer shall collect only 35% of that amount from the terminated insured. The insurer may collect any premium subsidy available under the federal act.

(b) An insurer may require payment of premium for all required continuation coverage periods, including for periods prior to the date of election or the effective date of this rule.

(c) An employer, if requested by the insurer, shall collect and remit to the insurer premium due under this rule. An insurer may require the employer to collect and remit premium due from a terminated insured, spouse or dependent under this rule. An insurer may not condition continuation of coverage on the employer collection and remittance of premium. An insurer shall treat payment by a terminated insured, spouse or dependent to the employer as receipt and payment to the insurer unless the insurer directs that payment be made to the insurer. An insurer may direct a terminated insured, spouse or dependent to pay the premium to either the employer or to the insurer, including by direction in the notice under sub. (4) (b).

(d) An employer shall notify an insurer when the employer discontinues a group policy and does not replace the group policy. An insurer may require the employer to give it notice when it discontinues a group policy and does not replace the group policy. An insurer may not condition continuation of coverage under this rule on employer notice of such discontinuance.

(6) PORTABILITY; HIRSP. For an individual who elects continuation of coverage under

this section, the period, if any, from the date of the termination of the individual's group policy coverage to the commencement of continuation of coverage under this section shall be disregarded for the purpose of determining the 63-day period under section 632.746 (3) (b), Stats., and determining eligibility as an eligible individual ch. 149, Stats.

(7) **CONTRACT TERMS PRESERVED.** An insurer may restrict coverage provided under this section to the terms of the group policy to the extent the terms do not conflict with this rule. Nothing in this section prohibits an insurer from applying deductibles and other cost sharing according the terms of the group policy, including according to policy periods based on renewal dates that would have occurred had the policy not discontinued. An insurer may apply policy modifications that were included in notice given to the employer under s. 631.36. Stats., or requested by the employer, that took effect or would have taken effect prior to or on the date of the discontinuance of the policy. An insurer may include provisions for administration of this rule in its group policy and certificates.

**SECTION 2.** This section may be enforced under ss. 601.41, 601.64, 601.65, 628.10, Stats., or ch. 645, Stats., or any other enforcement provision of chs. 600 to 646, Stats.

**SECTION 3.** These emergency rule changes will take effect on the day after publication, as provided in s. 227.24(1)(c), Stats.

Dated at Madison, Wisconsin, this 28<sup>th</sup> day of September, 2009.

  
\_\_\_\_\_  
Sean Dilweg  
Commissioner of Insurance

**Office of the Commissioner of Insurance  
Private Sector Fiscal Analysis**

for Section Ins 3.75 relating to continuation of group insurance  
policies and affecting small business

This rule change will have no significant negative effect on the private sector regulated by OCI but will allow numerous people to continue group health insurance that would not be able to without this change.