

2013 DRAFTING REQUEST

Senate Amendment (SA-AB668)

Received: 3/17/2014 Received By: tdodge
Wanted: As time permits Same as LRB:
For: Robert Jauch (608) 266-3510 By/Representing: Sarah Barry
May Contact: Drafter: tdodge
Subject: Insurance - health Addl. Drafters:
Extra Copies:

Submit via email: YES
Requester's email: Sen.Jauch@legis.wisconsin.gov
Carbon copy (CC) to: tamara.dodge@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

Copayments, deductibles, or coinsurance for oral chemotherapy and injected or intravenous chemotherapy

Instructions:

Draft 2013 SB 300 as an amendment to AB 668

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>
/?	tdodge 3/17/2014	jdyer 3/17/2014		_____			
/1	tdodge 3/17/2014		jmurphy 3/17/2014	_____	mbarman 3/17/2014	mbarman 3/17/2014	
/2		jdyer 3/17/2014	rschluet 3/17/2014	_____	lparisi 3/17/2014	lparisi 3/17/2014	

FE Sent For:

<END>

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/?	tdodge 3/17/2014	jdyer 3/17/2014		_____			
/1		<i>23</i> <i>17</i> jld jmurphy 3/17/2014		_____	mbarman 3/17/2014	mbarman 3/17/2014	

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<END>

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/?	tdodge	1 3/17 jcd	jd				

FE Sent For: *Jim HPS 3/17*

<END>

Dodge, Tamara

From: Barry, Sarah
Sent: Monday, March 17, 2014 2:20 PM
To: Dodge, Tamara
Subject: RE: Drafting Request for Tomorrow

Yes, this is what we would like.

It will be challenged.

Thank you,

Sarah

From: Dodge, Tamara
Sent: Monday, March 17, 2014 2:18 PM
To: Barry, Sarah
Subject: RE: Drafting Request for Tomorrow

Sarah,

Sure, I can draft that amendment. I assume you want to retain AB 668, but just add SB 300 to it with a simple amendment.

I should note that the amendment is likely to be challenged as not germane to AB 668 as the topics all that similar.

Tami

Tamara J. Dodge

Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 267 - 7380
tamara.dodge@legis.wisconsin.gov

From: Barry, Sarah
Sent: Monday, March 17, 2014 1:46 PM
To: Dodge, Tamara
Cc: Hurley, Peggy
Subject: Drafting Request for Tomorrow

Tamara—

Would you please draft Senate Bill 300 (<https://docs.legis.wisconsin.gov/2013/proposals/sb300>) as an amendment to AB 668 (<https://docs.legis.wisconsin.gov/2013/proposals/ab668>), which is on the Senate calendar tomorrow. We will need it by tomorrow morning.

I cc'd Peggy Hurley as she is the lead drafting attorney on AB 668.

Thank you,

Sarah Barry

Legislative Director

Office of Senator Chris Larson

Senate Democratic Leader

206 South, State Capitol

Office: 608-266-7505

Cell: 608-216-4355



In 3/17

Due Tomorrow
for Senate floor

JLD
RMNR

~~PRELIMINARY DRAFT NOT READY FOR INTRODUCTION~~
**SENATE AMENDMENT ,
TO ASSEMBLY BILL 668**

1 At the locations indicated, amend the bill as follows:

2 1. Page 1, line 3: delete "incarceration" and substitute "incarceration;
3 copayments, deductibles, or coinsurance for oral chemotherapy and injected or
4 intravenous chemotherapy;"

5 2. Page 2, line 1: before that line insert:

Insert P2-LN1

6 3. Page 2, line 1: delete "le" and substitute "lr".
SECTION

7 4. Page 2, line 17: after that line insert:

Insert P2-LN17

8 5. Page 3, line 4: after that line insert:

Insert P3-LN4

9 (END)

SENATE BILL 300

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:~~

Insert P2-LNI

1

SECTION 1. ^{d ← B} 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, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
5 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

6

SECTION 2. ^{le ← B} 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, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.885,
10 632.89, and 632.895 (11) to (17).

11

SECTION 3. ^{lf ← B} 66.0137 (4) of the statutes is amended to read:

12 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
13 a village provides health care benefits under its home rule power, or if a town
14 provides health care benefits, to its officers and employees on a self-insured basis,
15 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
16 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,
17 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

18

SECTION 4. ^{lg ← B} 120.13 (2) (g) of the statutes is amended to read:

19 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
20 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),



SENATE BILL 300

1 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4), (5), and (6), 632.885, 632.89,

2 632.895 (9) to (17), 632.896, and 767.513 (4). "o (End Insert P2 - LNI)

3 2g SECTION 5 185.983 (1) (intro.) of the statutes is amended to read: Insert P2-LNI'

4 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
5 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
6 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
7 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
8 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
9 632.853, 632.855, 632.867, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89,
10 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
11 and 646, but the sponsoring association shall:

12 2p SECTION 6 609.837 of the statutes is created to read:

13 **609.837 Copayment equality for oral and injected chemotherapy.**

14 Limited service health organizations, preferred provider plans, and defined network
15 plans are subject to s. 632.867.

16 2r SECTION 7 632.867 of the statutes is created to read:

17 **632.867 Oral and injected chemotherapy. (1) DEFINITIONS.** In this section:

18 (a) "Chemotherapy" means drugs and biologics that kill cancer cells directly,
19 including antineoplastics, biologic response modifiers, hormone therapy, and
20 monoclonal antibodies, and that are used to do any of the following:

- 21 1. Cure a specific cancer.
- 22 2. Control tumor growth when cure is not possible.
- 23 3. Shrink tumors before surgery or radiation therapy.
- 24 4. Destroy microscopic cancer cells that may be present after a tumor is
- 25 removed by surgery to prevent a cancer recurrence.



SENATE BILL 300

SECTION 7

1 (b) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a).

2 (c) "Self-insured health plan" has the meaning given in s. 632.85 (1) (c).

3 (2) COPAYMENT, DEDUCTIBLE, OR COINSURANCE REQUIREMENTS; LIMITATIONS. (a) A
4 disability insurance policy that covers injected or intravenous chemotherapy and
5 oral chemotherapy, or a self-insured health plan that covers injected or intravenous
6 chemotherapy and oral chemotherapy, may not require a higher copayment,
7 deductible, or coinsurance amount for oral chemotherapy than it requires for
8 injected or intravenous chemotherapy, regardless of the formulation or benefit
9 category determination by the policy or plan.

10 (b) A disability insurance policy or a self-insured health plan may not comply
11 with par. (a) by increasing the copayment, deductible, or coinsurance amount
12 required for injected or intravenous chemotherapy that is covered under the policy
13 or plan. " •

(End Insert P2-LN17)

14 **SECTION 8. Initial applicability.**

Insert P3 - LN4

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

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

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

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



SENATE BILL 300

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

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

8 ^{4m} SECTION 9. **Effective dates.** This act takes effect on the day after publication,
9 except as follows:

- 10 (1) The treatment of section 632.867 (2) (a) of the statutes takes effect on the
- 11 first day of the 7th month beginning after publication.

11 (End Insert P3-LN4)

12

~~SENDA~~



State of Wisconsin
2013 - 2014 LEGISLATURE



LRBa21361 2
TJD:jld&eev:jm
RMR

In: 3/17 *Due Tomorrow
for Senate floor*

**SENATE AMENDMENT,
TO ASSEMBLY BILL 668**

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete “incarceration” and substitute “incarceration;
3 copayments, deductibles, or coinsurance for oral chemotherapy and injected or
4 intravenous chemotherapy;”.

5 **2.** Page 2, line 1: before that line insert:

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

7 40.51 (8) Every health care coverage plan offered by the state under sub. (6)
8 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)
9 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,
10 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

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

12 40.51 (8m) Every health care coverage plan offered by the group insurance
13 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,

1 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.885,
2 632.89, and 632.895 (11) to (17).

3 **SECTION 1f.** 66.0137 (4) of the statutes is amended to read:

4 66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or
5 a village provides health care benefits under its home rule power, or if a town
6 provides health care benefits, to its officers and employees on a self-insured basis,
7 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),
8 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,
9 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

10 **SECTION 1g.** 120.13 (2) (g) of the statutes is amended to read:

11 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
12 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
13 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4), (5), and (6), 632.885, 632.89,
14 632.895 (9) to (17), 632.896, and 767.513 (4).”.

15 **3.** Page 2, line 1: delete “**SECTION 1**” and substitute “**SECTION 1r**”.

16 **4.** Page 2, line 17: after that line insert:

17 “**SECTION 2g.** 185.983 (1) (intro.) of the statutes is amended to read:

18 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
19 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
20 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
21 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
22 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,
23 632.853, 632.855, 632.867, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89,

1 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
2 and 646, but the sponsoring association shall:

3 **SECTION 2p.** 609.837 of the statutes is created to read:

4 **609.837 Copayment equality for oral and injected chemotherapy.**

5 Limited service health organizations, preferred provider plans, and defined network
6 plans are subject to s. 632.867.

7 **SECTION 2r.** 632.867 of the statutes is created to read:

8 **632.867 Oral and injected chemotherapy. (1) DEFINITIONS.** In this section:

9 (a) “Chemotherapy” means drugs and biologics that kill cancer cells directly,
10 including antineoplastics, biologic response modifiers, hormone therapy, and
11 monoclonal antibodies, and that are used to do any of the following:

- 12 1. Cure a specific cancer.
- 13 2. Control tumor growth when cure is not possible.
- 14 3. Shrink tumors before surgery or radiation therapy.
- 15 4. Destroy microscopic cancer cells that may be present after a tumor is
16 removed by surgery to prevent a cancer recurrence.

17 (b) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

18 (c) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

19 **(2) COPAYMENT, DEDUCTIBLE, OR COINSURANCE REQUIREMENTS; LIMITATIONS.** (a) A
20 disability insurance policy that covers injected or intravenous chemotherapy and
21 oral chemotherapy, or a self-insured health plan that covers injected or intravenous
22 chemotherapy and oral chemotherapy, may not require a higher copayment,
23 deductible, or coinsurance amount for oral chemotherapy than it requires for
24 injected or intravenous chemotherapy, regardless of the formulation or benefit
25 category determination by the policy or plan.

1 (b) A disability insurance policy or a self-insured health plan may not comply
2 with par. (a) by increasing the copayment, deductible, or coinsurance amount
3 required for injected or intravenous chemotherapy that is covered under the policy
4 or plan.”.

5 **5.** Page 3, line 4: after that line insert:

6 **“SECTION 3m. Initial applicability.**

7 (1) This act first applies to all of the following: *b a c*

8 (a) Except as provided in paragraphs *✓* (a) and (b), disability insurance policies
9 that are issued or renewed, and governmental or school district self-insured health
10 plans that are established, extended, modified, or renewed, on the effective date of
11 this paragraph.

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

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

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

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

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

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

1 **SECTION 4m. Effective dates.** This act takes effect on the day after
2 publication, except as follows:

3 (1) The treatment of section 632.867 (2) (a) of the statutes takes effect on the
4 first day of the 7th month beginning after publication.”.

5

(END)