



**SENATE SUBSTITUTE AMENDMENT 1,  
TO 1995 ASSEMBLY BILL 573**

May 8, 1996 – Offered by COMMITTEE ON INSURANCE.

1     **AN ACT to amend** 40.51 (8), 60.23 (25), 66.184, 111.70 (1) (a), 120.13 (2) (g),  
2           185.981 (4t) and 185.983 (1) (intro.); **to repeal and recreate** 40.51 (8), 60.23  
3           (25), 66.184, 111.70 (1) (a), 120.13 (2) (g), 185.981 (4t) and 185.983 (1) (intro.);  
4           and **to create** 40.51 (8p), 111.70 (4) (o), 111.91 (2) (n) and 632.895 (11) of the  
5           statutes; **relating to:** insurance coverage of hospital care, home care visits and  
6           follow-up care after childbirth.

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

7           **SECTION 1.** 40.51 (8) of the statutes is amended to read:  
8           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
9           shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.87 (3) to (5), 632.895  
10          (5m) and (8) to ~~(10)~~ (11) and 632.896.

11          **SECTION 2.** 40.51 (8) of the statutes, as affected by 1995 Wisconsin Acts 289 and  
12          .... (this act), is repealed and recreated to read:

1           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.745 (1) to (3) and (5),  
3 632.747, 632.87 (3) to (5), 632.895 (5m) and (8) to (11) and 632.896.

4           **SECTION 3.** 40.51 (8p) of the statutes is created to read:

5           40.51 (8p) Every health care coverage plan offered by the group insurance  
6 board under sub. (7) shall comply with s. 632.895 (11).

7           **SECTION 4.** 60.23 (25) of the statutes is amended to read:

8           60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
9 officers and employes on a self-insured basis if the self-insured plan complies with  
10 ss. 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and (11) and 632.896.

11           **SECTION 5.** 60.23 (25) of the statutes, as affected by 1995 Wisconsin Acts 289  
12 and .... (this act), is repealed and recreated to read:

13           60.23 (25) SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
14 officers and employes on a self-insured basis if the self-insured plan complies with  
15 ss. 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3),  
16 632.87 (4) and (5), 632.895 (9) and (11) and 632.896.

17           **SECTION 6.** 66.184 of the statutes is amended to read:

18           **66.184 Self-insured health plans.** If a city, including a 1st class city, or a  
19 village provides health care benefits under its home rule power, or if a town provides  
20 health care benefits, to its officers and employes on a self-insured basis, the  
21 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
22 632.87 (4) and (5), 632.895 (9) ~~and (10)~~ to (11), 632.896, 767.25 (4m) (d) and 767.51  
23 (3m) (d).

24           **SECTION 7.** 66.184 of the statutes, as affected by 1995 Wisconsin Acts 289 and  
25 .... (this act), is repealed and recreated to read:

1           **66.184 Self-insured health plans.** If a city, including a 1st class city, or a  
2 village provides health care benefits under its home rule power, or if a town provides  
3 health care benefits, to its officers and employes on a self-insured basis, the  
4 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
5 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) to  
6 (11), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

7           **SECTION 8.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Act 27,  
8 is amended to read:

9           111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
10 obligation of a municipal employer, through its officers and agents, and the  
11 representative of its municipal employes in a collective bargaining unit, to meet and  
12 confer at reasonable times, in good faith, with the intention of reaching an  
13 agreement, or to resolve questions arising under such an agreement, with respect to  
14 wages, hours and conditions of employment, and with respect to a requirement of the  
15 municipal employer for a municipal employe to perform law enforcement and fire  
16 fighting services under s. 61.66, except as provided in sub. (4) (m) and (o) and s. 40.81  
17 (3) and except that a municipal employer shall not meet and confer with respect to  
18 any proposal to diminish or abridge the rights guaranteed to municipal employes  
19 under ch. 164. The duty to bargain, however, does not compel either party to agree  
20 to a proposal or require the making of a concession. Collective bargaining includes  
21 the reduction of any agreement reached to a written and signed document. The  
22 municipal employer shall not be required to bargain on subjects reserved to  
23 management and direction of the governmental unit except insofar as the manner  
24 of exercise of such functions affects the wages, hours and conditions of employment  
25 of the municipal employes in a collective bargaining unit. In creating this subchapter

1 the legislature recognizes that the municipal employer must exercise its powers and  
2 responsibilities to act for the government and good order of the jurisdiction which it  
3 serves, its commercial benefit and the health, safety and welfare of the public to  
4 assure orderly operations and functions within its jurisdiction, subject to those  
5 rights secured to municipal employes by the constitutions of this state and of the  
6 United States and by this subchapter.

7 **SECTION 9.** 111.70 (1) (a) of the statutes, as affected by 1995 Wisconsin Acts 289  
8 and .... (this act), is repealed and recreated to read:

9 111.70 (1) (a) "Collective bargaining" means the performance of the mutual  
10 obligation of a municipal employer, through its officers and agents, and the  
11 representative of its municipal employes in a collective bargaining unit, to meet and  
12 confer at reasonable times, in good faith, with the intention of reaching an  
13 agreement, or to resolve questions arising under such an agreement, with respect to  
14 wages, hours and conditions of employment, and with respect to a requirement of the  
15 municipal employer for a municipal employe to perform law enforcement and fire  
16 fighting services under s. 61.66, except as provided in sub. (4) (m), (n) and (o) and s.  
17 40.81 (3) and except that a municipal employer shall not meet and confer with respect  
18 to any proposal to diminish or abridge the rights guaranteed to municipal employes  
19 under ch. 164. The duty to bargain, however, does not compel either party to agree  
20 to a proposal or require the making of a concession. Collective bargaining includes  
21 the reduction of any agreement reached to a written and signed document. The  
22 municipal employer shall not be required to bargain on subjects reserved to  
23 management and direction of the governmental unit except insofar as the manner  
24 of exercise of such functions affects the wages, hours and conditions of employment  
25 of the municipal employes in a collective bargaining unit. In creating this subchapter

1 the legislature recognizes that the municipal employer must exercise its powers and  
2 responsibilities to act for the government and good order of the jurisdiction which it  
3 serves, its commercial benefit and the health, safety and welfare of the public to  
4 assure orderly operations and functions within its jurisdiction, subject to those  
5 rights secured to municipal employes by the constitutions of this state and of the  
6 United States and by this subchapter.

7 **SECTION 10.** 111.70 (4) (o) of the statutes is created to read:

8 111.70 (4) (o) *Health insurance coverage of inpatient hospital services, home*  
9 *care visits and follow-up care after childbirth.* The municipal employer is prohibited  
10 from bargaining collectively with respect to the provision of the health insurance  
11 coverage required under s. 632.895 (11).

12 **SECTION 11.** 111.91 (2) (n) of the statutes is created to read:

13 111.91 (2) (n) The provision to employes of the health insurance coverage  
14 required under s. 632.895 (11).

15 **SECTION 12.** 120.13 (2) (g) of the statutes is amended to read:

16 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
17 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.87 (4) and (5), 632.895 (9) and ~~(10)~~ to  
18 (11), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

19 **SECTION 13.** 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Acts  
20 289 and ... (this act), is repealed and recreated to read:

21 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
22 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,  
23 632.747 (3), 632.87 (4) and (5), 632.895 (9) to (11), 632.896, 767.25 (4m) (d) and 767.51  
24 (3m) (d).

25 **SECTION 14.** 185.981 (4t) of the statutes is amended to read:

1           185.981 (4t) A sickness care plan operated by a cooperative association is  
2 subject to ss. 252.14, 631.89, 632.72 (2), 632.87 (2m), (3), (4) and (5), 632.895 (10) and  
3 (11) and 632.897 (10) and ch. 155.

4           **SECTION 15.** 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Acts 289  
5 and .... (this act), is repealed and recreated to read:

6           185.981 (4t) A sickness care plan operated by a cooperative association is  
7 subject to ss. 252.14, 631.89, 632.72 (2), 632.745, 632.747, 632.749, 632.87 (2m), (3),  
8 (4) and (5), 632.895 (10) and (11) and 632.897 (10) and ch. 155.

9           **SECTION 16.** 185.983 (1) (intro.) of the statutes is amended to read:

10           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
11 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
12 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
13 (2), 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5), 632.895 (5), ~~(9) and (10)~~  
14 and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619 and chs. 609, 630, 635,  
15 645 and 646, but the sponsoring association shall:

16           **SECTION 17.** 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
17 Acts 289 and .... (this act), is repealed and recreated to read:

18           185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
19 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
20 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
21 (2), 632.745, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),  
22 632.895 (5) and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619 and chs. 609,  
23 630, 635, 645 and 646, but the sponsoring association shall:

24           **SECTION 18.** 632.895 (11) of the statutes is created to read:

1           **632.895 (11) INPATIENT HOSPITAL SERVICES, HOME CARE VISITS AND FOLLOW-UP CARE**  
2 AFTER CHILDBIRTH. (a) In this subsection, “health care provider” means a physician,  
3 as defined in s. 448.01 (5), or a nurse–midwife granted a license under s. 441.15.

4           (am) Every disability insurance policy, and every self–insured health plan of  
5 the state or a county, city, village, town or school district, that provides maternity  
6 coverage shall provide coverage for mother and child for all of the following:

7           1. After the birth of a child, inpatient hospital services related to the birth of  
8 the child for the length of time that the inpatient hospital services are provided, as  
9 ordered by the mother’s or child’s health care provider.

10           2. If inpatient hospital services are provided for a period of less than 48 hours  
11 after the birth of a child by vaginal delivery, one postnatal follow-up care contact after  
12 the mother and child are no longer hospital inpatients, if ordered by the mother’s or  
13 child’s health care provider.

14           3. If inpatient hospital services are provided for a period of less than 96 hours  
15 after the birth of a child by caesarean section, one postnatal follow–up care contact  
16 after the mother and child are no longer hospital inpatients, if ordered by the  
17 mother’s or child’s health care provider.

18           4. Any home care visits or postnatal follow–up care contacts after a postnatal  
19 follow–up care contact under subd. 2. or 3. has occurred, if ordered by the mother’s  
20 or child’s health care provider.

21           (b) The length of time for which inpatient hospital services are provided and  
22 must be covered under par. (am) 1. and whether a postnatal follow–up care contact  
23 under par. (am) 2. or 3. or home care visits or postnatal follow–up care contacts under  
24 par. (am) 4. are ordered and must be covered shall be based on medical necessity, as  
25 determined by the mother’s or child’s health care provider.

1 (c) The coverage required under par. (am) may be subject to any copayments  
2 or deductibles that apply generally under the policy or plan to other covered services.

3 **SECTION 19. Initial applicability.**

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

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

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

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

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

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

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

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

20 **SECTION 20. Effective dates.** This act takes effect on October 1, 1996, except  
21 as follows:

22 (1) The repeal and recreation of sections 40.51 (8), 60.23 (25), 66.184, 111.70 (1)  
23 (a), 120.13 (2) (g), 185.981 (4t) and 185.983 (1) (intro.) of the statutes takes effect on  
24 May 1, 1997.

25 (END)