



**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO 1997 ASSEMBLY BILL 675**

March 2, 1998 – Offered by Representative JOHNSRUD.

1 **AN ACT to amend** 40.51 (8), 40.51 (8m), 60.23 (25), 66.184, 120.13 (2) (g), 185.981
2 (4t) and 185.983 (1) (intro.); and **to create** 111.91 (2) (o) and 632.85 of the
3 statutes; **relating to:** coverage of, and prohibiting requiring prior
4 authorization for, treatment of an emergency medical condition.

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

5 **SECTION 1.** 40.51 (8) of the statutes, as affected by 1997 Wisconsin Act 27,
6 section 1324m, 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), 632.72 (2), 632.746 (1) to (8) and (10),
9 632.747, 632.748, 632.85, 632.87 (3) to (5), 632.895 (5m) and (8) to (13) and 632.896.

10 **SECTION 2.** 40.51 (8m) of the statutes, as affected by 1997 Wisconsin Act 27,
11 section 1325m, is amended to read:

1 40.51 **(8m)** Every health care coverage plan offered by the group insurance
2 board under sub. (7) shall comply with ss. 632.746 (1) to (8) and (10), 632.747 and,
3 632.748, 632.85 and 632.895 (11) to (13).

4 **SECTION 3.** 60.23 (25) of the statutes, as affected by 1997 Wisconsin Act 27,
5 section 2178p, is amended to read:

6 60.23 **(25)** SELF-INSURED HEALTH PLANS. Provide health care benefits to its
7 officers and employes on a self-insured basis if the self-insured plan complies with
8 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85, 632.87
9 (4) and (5), 632.895 (9) and (11) to (13) and 632.896.

10 **SECTION 4.** 66.184 of the statutes, as affected by 1997 Wisconsin Act 27, section
11 2210m, is amended to read:

12 **66.184 Self-insured health plans.** If a city, including a 1st class city, or a
13 village provides health care benefits under its home rule power, or if a town provides
14 health care benefits, to its officers and employes on a self-insured basis, the
15 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), 632.85, 632.87 (4) and (5), 632.895 (9) to (13),
17 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

18 **SECTION 5.** 111.91 (2) (o) of the statutes is created to read:

19 111.91 **(2)** (o) The requirements related to coverage of and prior authorization
20 for treatment of an emergency medical condition under s. 632.85.

21 **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1997 Wisconsin Act 27,
22 section 2860f, is amended to read:

23 120.13 **(2)** (g) Every self-insured plan under par. (b) shall comply with ss.
24 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),

1 632.85, 632.87 (4) and (5), 632.895 (9) to (13), 632.896, 767.25 (4m) (d) and 767.51
2 (3m) (d).

3 **SECTION 7.** 185.981 (4t) of the statutes, as affected by 1997 Wisconsin Act 27,
4 section 3133m, is amended to read:

5 185.981 (4t) A sickness care plan operated by a cooperative association is
6 subject to ss. 252.14, 631.89, 632.72 (2), 632.745 to 632.749, 632.85, 632.87 (2m), (3),
7 (4) and (5), 632.895 (10) to (13) and 632.897 (10) and chs. 149 and 155.

8 **SECTION 8.** 185.983 (1) (intro.) of the statutes, as affected by 1997 Wisconsin
9 Act 27, section 3134m, 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), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.87 (2m), (3), (4) and (5),
14 632.895 (5) and (9) to (13), 632.896 and 632.897 (10) and chs. 609, 630, 635, 645 and
15 646, but the sponsoring association shall:

16 **SECTION 9.** 632.85 of the statutes is created to read:

17 **632.85 Coverage without prior authorization for treatment of an**
18 **emergency medical condition. (1)** In this section:

19 (a) "Emergency medical condition" means a medical condition that manifests
20 itself by acute symptoms of sufficient severity, including severe pain, to lead a
21 prudent layperson who possesses an average knowledge of health and medicine to
22 reasonably conclude that a lack of immediate medical attention will likely result in
23 any of the following:

24 1. Serious jeopardy to the person's health or, with respect to a pregnant woman,
25 serious jeopardy to the health of the woman or her unborn child.

1 2. Serious impairment to the person’s bodily functions.

2 3. Serious dysfunction of one or more of the person’s body organs or parts.

3 (b) “Health care plan” has the meaning given in s. 628.36 (2) (a) 1.

4 (c) “Self-insured health plan” means a self-insured health plan of the state or
5 a county, city, village, town or school district.

6 **(2)** If a health care plan or a self-insured health plan provides coverage of any
7 emergency medical services, the health care plan or self-insured health plan shall
8 provide coverage of emergency medical services that are provided in a hospital
9 emergency facility and that are needed to evaluate or stabilize, as defined in section
10 1867 of the federal Social Security Act, an emergency medical condition.

11 **(3)** A health care plan or a self-insured health plan that is required to provide
12 the coverage under sub. (2) may not require prior authorization for the provision or
13 coverage of the emergency medical services specified in sub. (2).

14 **SECTION 10. Initial applicability.**

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

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

19 (b) Policies, plans or certificates covering employees who are affected by a
20 collective bargaining agreement containing provisions inconsistent with this act
21 that are issued or 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 (c) Self-insured health plans covering employes who are affected by a collective
2 bargaining agreement containing provisions inconsistent with this act that are
3 established, extended, modified or renewed on the earlier of the following:

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

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

7 **SECTION 11. Effective date.**

8 (1) This act takes effect on the first day of the 6th month beginning after
9 publication.

10

(END)