



WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

2019 Assembly Bill 1	Assembly Substitute Amendment 1
<i>Memo published:</i> January 24, 2019	<i>Contact:</i> Margit Kelley, Senior Staff Attorney Steve McCarthy, Staff Attorney

2019 ASSEMBLY BILL 1

2019 Assembly Bill 1 specifies that if certain provisions of the federal Affordable Care Act (ACA) are no longer applicable, state law would provide the following corresponding provisions:

- A group or individual health insurance policy must guarantee access to coverage regardless of whether a person has a preexisting condition. For an individual health insurance policy, access may be limited to a statewide open enrollment period specified by the Office of the Commissioner of Insurance, and, for all policies, to special enrollment periods for qualifying life events.
- Unless a plan is grandfathered or has transitional status under the ACA, a small group or individual health insurance policy, or governmental self-insured plan, may vary premiums only on identified rating factors. The factors are age, tobacco use, rating area in the state, and individual versus family coverage, with age and tobacco use subject to specific limited ratios of variation.
- A group or individual health insurance policy, or governmental self-insured plan, cannot impose a preexisting condition exclusion that limits particular benefits on the basis of a preexisting condition. For a group health insurance policy or governmental self-insured plan, this applies to a condition that existed before the date of enrollment. For an individual health insurance policy, this applies to a condition that existed before the date of coverage, for which diagnosis or treatment was recommended or received.

ASSEMBLY SUBSTITUTE AMENDMENT 1

Assembly Substitute Amendment 1 largely maintains those provisions with some revisions in their specific applicability, and adds an additional provision.

Altogether, under the substitute amendment, if certain provisions of the ACA are no longer applicable, state law would provide the following corresponding provisions:

- A group or individual health insurance policy must guarantee access to coverage regardless of whether a person has a preexisting condition. For an individual health insurance policy, access may be limited to a statewide open enrollment period of no longer than 45 days specified by the Office of the Commissioner of Insurance, and, for all policies, to special enrollment periods for qualifying life events.
- A small group or individual health insurance policy, or governmental self-insured plan, may vary premiums only on identified rating factors. The factors are age, tobacco use, rating area in the state, and individual versus family coverage, with age and tobacco use subject to specific limited ratios of variation.
- A group or individual health insurance policy, or governmental self-insured plan, cannot impose a preexisting condition exclusion that limits particular benefits on the basis of a preexisting condition. This applies to a condition that was present before the date of enrollment, whether or not diagnosis or treatment was recommended or received before the date of enrollment.
- A group or individual health insurance policy, or governmental self-insured plan, cannot impose an annual or lifetime limit on the dollar value of benefits provided under the policy or plan.

The substitute amendment specifies that each of these provisions does not apply to a policy or plan if the corresponding provision of the ACA did not apply to the policy or plan as of January 1, 2019.

BILL HISTORY

Assembly Substitute Amendment 1 was offered by Representative Petersen on January 22, 2019. That same day, the Assembly adopted the substitute amendment on a vote of Ayes, 76; Noes, 19; and passed the bill, as amended, on a vote of Ayes, 76; Noes, 19.

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