



## 1997 ASSEMBLY BILL 98

February 12, 1997 - Introduced by Representatives ROBSON, LADWIG, R. POTTER, HANSON, BALDWIN, SERATTI, WILLIAMS, LINTON, NOTESTEIN, R. YOUNG, BLACK, MUSSER, CULLEN, WASSERMAN, ZIEGELBAUER, CARPENTER, TURNER, REYNOLDS, RYBA, BOYLE and GUNDERSON, cosponsored by Senators ROSENZWEIG, PLACHE, CLAUSING, BUETTNER, MOEN, WIRCH and RISSER. Referred to Committee on Mandates.

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) (n), 609.79 and 632.895  
3           (11) of the statutes; **relating to:** insurance coverage of hospital services after  
4           a mastectomy.

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### *Analysis by the Legislative Reference Bureau*

This bill requires health care plans that provide coverage of any inpatient hospital services to provide coverage of at least 48 hours of inpatient hospital services after a mastectomy. If the insured's attending physician certifies that more than 48 hours of inpatient hospital services is necessary due to complications from surgery, the coverage must be provided for the amount of time that the physician certifies is necessary. The coverage requirement applies to both individual and group health insurance policies and plans, including health maintenance organizations, preferred provider plans and cooperative sickness care associations; to health plans offered by the state to its employees, including a self-insured plan; and to self-insured health plans of counties, cities, towns, villages and school districts. The requirement specifically does not apply to limited service health organizations. The requirement may be subject to any limitations, exclusions or cost-sharing provisions that apply generally under the policy or plan.

**ASSEMBLY BILL 98**

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1           **SECTION 1.** 40.51 (8) of the statutes, as affected by 1995 Wisconsin Act 289, is  
2 amended to read:

3           40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)  
4 shall comply with ss. 631.89, 631.90, 631.93 (2), 632.72 (2), 632.745 (1) to (3) and (5),  
5 632.747, 632.87 (3) to (5), 632.895 (5m) and (8) to ~~(10)~~ (11) and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes, as created by 1995 Wisconsin Act 289,  
7 is amended to read:

8           40.51 **(8m)** Every health care coverage plan offered by the group insurance  
9 board under sub. (7) shall comply with ss. 632.745 (1) to (3) and (5) ~~and~~, 632.747 and  
10 632.895 (11).

11           **SECTION 3.** 60.23 (25) of the statutes, as affected by 1995 Wisconsin Act 289,  
12 is amended 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 4.** 66.184 of the statutes, as affected by 1995 Wisconsin Act 289, is  
18 amended to read:

19           **66.184 Self-insured health plans.** If a city, including a 1st class city, or a  
20 village provides health care benefits under its home rule power, or if a town provides  
21 health care benefits, to its officers and employes on a self-insured basis, the

**ASSEMBLY BILL 98**

1 self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
2 632.745 (2), (3) and (5) (a) 2. and (b) 2., 632.747 (3), 632.87 (4) and (5), 632.895 (9) and  
3 ~~(10)~~ to (11), 632.896, 767.25 (4m) (d) and 767.51 (3m) (d).

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

5 111.91 (2) (n) The provision to employes of the health insurance coverage  
6 required under s. 632.895 (11).

7 **SECTION 6.** 120.13 (2) (g) of the statutes, as affected by 1995 Wisconsin Act 289,  
8 is amended to read:

9 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
10 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.745 (2), (3) and (5) (a) 2. and (b) 2.,  
11 632.747 (3), 632.87 (4) and (5), 632.895 (9) and ~~(10)~~ to (11), 632.896, 767.25 (4m) (d)  
12 and 767.51 (3m) (d).

13 **SECTION 7.** 185.981 (4t) of the statutes, as affected by 1995 Wisconsin Act 289,  
14 is amended to read:

15 185.981 (4t) A sickness care plan operated by a cooperative association is  
16 subject to ss. 252.14, 631.89, 632.72 (2), 632.745, 632.747, 632.749, 632.87 (2m), (3),  
17 (4) and (5), 632.895 (10) and (11) and 632.897 (10) and ch. 155.

18 **SECTION 8.** 185.983 (1) (intro.) of the statutes, as affected by 1995 Wisconsin  
19 Act 289, is amended to read:

20 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
21 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
22 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.89, 631.93, 632.72  
23 (2), 632.745, 632.747, 632.749, 632.775, 632.79, 632.795, 632.87 (2m), (3), (4) and (5),  
24 632.895 (5), ~~(9) and (10)~~ and (9) to (11), 632.896 and 632.897 (10), subch. II of ch. 619  
25 and chs. 609, 630, 635, 645 and 646, but the sponsoring association shall:

**ASSEMBLY BILL 98**

1           **SECTION 9.** 609.79 of the statutes is created to read:

2           **609.79 Coverage of inpatient hospital services after a mastectomy.**

3           Health maintenance organizations and preferred provider plans are subject to s.  
4           632.895 (11).

5           **SECTION 10.** 632.895 (11) of the statutes is created to read:

6           **632.895 (11) INPATIENT HOSPITAL SERVICES AFTER A MASTECTOMY.** (a) Every  
7           disability insurance policy, and every self-insured health plan of the state or a  
8           county, city, village, town or school district, that provides any coverage of inpatient  
9           hospital services shall provide coverage of inpatient hospital services for an insured  
10          who has undergone the surgical procedure known as a mastectomy for a period of at  
11          least 48 hours after the mastectomy was performed.

12          (b) Notwithstanding par. (a), if the insured's attending physician certifies that  
13          the insured requires more than 48 hours of inpatient hospital services following the  
14          mastectomy due to complications arising from the surgery, the disability insurance  
15          policy or self-insured plan shall provide coverage of those inpatient hospital services  
16          for the period of time that is certified as necessary by the physician.

17          (c) The coverage required under pars. (a) and (b) may be subject to any  
18          limitations, exclusions or cost-sharing provisions that apply generally under the  
19          disability insurance policy or self-insured health plan.

20          (d) This subsection does not apply to a health care plan offered by a limited  
21          service health organization, as defined in s. 609.01 (3).

22          **SECTION 11. Initial applicability.**

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

**ASSEMBLY BILL 98**

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

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

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

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

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

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

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

16 **SECTION 12. Effective date.**

17 (1) This act takes effect on the first day of the 5th month beginning after  
18 publication.

19 (END)