

## 2001 SENATE BILL 157

April 25, 2001 – Introduced by Senators PANZER, ROBSON, ROSENZWEIG, GROBSCHMIDT, ROESSLER, RISSER, DARLING, WIRCH, HUELSMAN, ERPENBACH, HARSDORF, BAUMGART, BURKE, MOORE, M. MEYER and PLACHE, cosponsored by Representatives LADWIG, BOCK, RILEY, KREIBICH, LEIBHAM, LA FAVE, KESTELL, COGGS, WADE, CARPENTER, MUSSER, WASSERMAN, FREESE, J. LEHMAN, OTT, SCHNEIDER, POWERS, TURNER, ALBERS, RICHARDS, GUNDERSON, GRONEMUS, KAUFERT, WILLIAMS, SYKORA, BOYLE, BALOW, BLACK, MILLER, RYBA, POCAN, BERCEAU and PLOUFF. Referred to Committee on Health, Utilities, Veterans and Military Affairs.

1     **AN ACT to repeal** 632.89 (1) (em), 632.89 (2) (a) 2., 632.89 (2) (b), 632.89 (2) (c)  
 2             2., 632.89 (2) (d) 2., 632.89 (2) (dm) 2. and 632.89 (3m); **to renumber** 632.89  
 3             (2m) and 632.89 (5); **to renumber and amend** 632.89 (2) (a) 1., 632.89 (2) (c)  
 4             1., 632.89 (2) (d) 1., 632.89 (2) (dm) 1. and 632.89 (2) (e); **to amend** 40.51 (8),  
 5             40.51 (8m), 46.10 (8) (d), 46.10 (14) (a), 60.23 (25), 66.0137 (4), 120.13 (2) (g),  
 6             185.981 (4t), 185.983 (1) (intro.), 301.12 (8) (d), 301.12 (14) (a), 632.89 (title),  
 7             632.89 (2) (title) and 632.89 (5) (title); and **to create** 111.91 (2) (qm), 609.86,  
 8             632.89 (1) (b), 632.89 (1) (er), 632.89 (3) and 632.89 (5) (a) (title) of the statutes;  
 9             **relating to:** health insurance coverage of nervous and mental disorders,  
 10             alcoholism, and other drug abuse problems.

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### ***Analysis by the Legislative Reference Bureau***

Under current law, a group health insurance policy (called a “disability insurance policy” in the statutes) that provides coverage of any inpatient hospital services must cover those services for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems in the minimum amount of the lesser of: 1) the expenses of 30 days of inpatient services; or 2) \$7,000 minus the applicable

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cost sharing under the policy or, if there is no cost sharing under the policy, \$6,300 in equivalent benefits measured in services rendered. If a group health insurance policy provides coverage of any outpatient hospital services, it must cover those services for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems in the minimum amount of \$2,000 minus the applicable cost sharing under the policy or, if there is no cost sharing under the policy, \$1,800 in equivalent benefits measured in services rendered. If a group health insurance policy provides coverage of any inpatient or outpatient hospital services, it must cover the cost of transitional treatment arrangements for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems in the minimum amount of \$3,000 minus the applicable cost sharing under the policy or, if there is no cost sharing under the policy, \$2,700 in equivalent benefits measured in services rendered. Transitional treatment arrangements include services, specified by rule by the commissioner of insurance, that are provided in a less restrictive manner than inpatient services but in a more intensive manner than outpatient services. If a group health insurance policy provides coverage for both inpatient and outpatient hospital services, the total coverage for all types of treatment for nervous and mental disorders and alcoholism and other drug abuse problems is not required to exceed \$7,000, or the equivalent benefits measured in services rendered, in a policy year.

This bill removes the specified minimum amounts of coverage that a group health insurance policy must provide for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems but retains the requirements with respect to providing the coverage. Except for group plans offered by limited service health organizations, the bill specifically applies the requirements to all types of group health benefit plans, including managed care plans, insurance plans offered by the state, and self-insured health plans of the state and municipalities.

In addition, the bill imposes a new requirement that the coverage under group health benefit plans and self-insured health plans for the treatment of nervous and mental disorders and alcoholism and other drug abuse problems must be the same as the coverage under those plans for the treatment of physical conditions. This requirement applies to such coverage components as deductibles, copayments, annual and lifetime limits, and medical necessity definitions. The bill does not require individual health benefit plans to cover the treatment of nervous or mental disorders or alcoholism or other drug abuse problems but, if an individual health benefit plan does cover the treatment of any of those conditions, the individual health benefit plan must provide the same coverage for that treatment as it does for the treatment of physical conditions.

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:***

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1           **SECTION 1.** 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, 632.83, 632.835, 632.85, 632.853, 632.855, 632.87 (3) to  
5 (5), 632.89, 632.895 (5m) and (8) to (14), and 632.896.

6           **SECTION 2.** 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, 632.83, 632.835, 632.85, 632.853, 632.855, 632.89, and 632.895 (11) to (14).

10          **SECTION 3.** 46.10 (8) (d) of the statutes is amended to read:

11          46.10 **(8)** (d) After due regard to the case and to a spouse and minor children  
12 who are lawfully dependent on the property for support, compromise or waive any  
13 portion of any claim of the state or county for which a person specified under sub. (2)  
14 is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or  
15 by any other 3rd party.

16          **SECTION 4.** 46.10 (14) (a) of the statutes is amended to read:

17          46.10 **(14)** (a) Except as provided in pars. (b) and (c), liability of a person  
18 specified in sub. (2) or s. 46.03 (18) for inpatient care and maintenance of persons  
19 under 18 years of age at community mental health centers, a county mental health  
20 complex under s. 51.08, the centers for the developmentally disabled, Mendota  
21 mental health institute, and Winnebago mental health institute or care and  
22 maintenance of persons under 18 years of age in residential, nonmedical facilities  
23 such as group homes, foster homes, treatment foster homes, child caring institutions,  
24 and juvenile correctional institutions is determined in accordance with the  
25 cost-based fee established under s. 46.03 (18). The department shall bill the liable

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1 person up to any amount of liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~  
2 (4m) or by other 3rd party benefits, subject to rules which include formulas governing  
3 ability to pay promulgated by the department under s. 46.03 (18). Any liability of the  
4 patient not payable by any other person terminates when the patient reaches age 18,  
5 unless the liable person has prevented payment by any act or omission.

6 **SECTION 5.** 60.23 (25) of the statutes is amended to read:

7 60.23 **(25)** SELF-INSURED HEALTH PLANS. Provide health care benefits to its  
8 officers and employees on a self-insured basis if the self-insured plan complies with  
9 ss. 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.85,  
10 632.853, 632.855, 632.87 (4) and (5), 632.89, 632.895 (9) and (11) to (14), and 632.896.

11 **SECTION 6.** 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), 632.85, 632.853, 632.855, 632.87 (4) and (5),  
17 632.89, 632.895 (9) to (14), 632.896, and 767.25 (4m) (d).

18 **SECTION 7.** 111.91 (2) (qm) of the statutes is created to read:

19 111.91 **(2)** (qm) The requirements under s. 632.89 related to coverage of  
20 treatment for nervous and mental disorders and alcoholism and other drug abuse  
21 problems.

22 **SECTION 8.** 120.13 (2) (g) of the statutes 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),

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1 632.85, 632.853, 632.855, 632.87 (4) and (5), 632.89, 632.895 (9) to (14), 632.896, and  
2 767.25 (4m) (d).

3 **SECTION 9.** 185.981 (4t) of the statutes is amended to read:

4 185.981 (4t) A sickness care plan operated by a cooperative association is  
5 subject to ss. 252.14, 631.17, 631.89, 631.95, 632.72 (2), 632.745 to 632.749, 632.85,  
6 632.853, 632.855, 632.87 (2m), (3), (4) and (5), 632.89, 632.895 (10) to (14), and  
7 632.897 (10) and chs. 149 and 155.

8 **SECTION 10.** 185.983 (1) (intro.) of the statutes is amended to read:

9 185.983 (1) (intro.) Every such voluntary nonprofit sickness care plan shall be  
10 exempt from chs. 600 to 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41,  
11 601.42, 601.43, 601.44, 601.45, 611.67, 619.04, 628.34 (10), 631.17, 631.89, 631.93,  
12 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.85, 632.853,  
13 632.855, 632.87 (2m), (3), (4) and (5), 632.89, 632.895 (5) and (9) to (14), 632.896, and  
14 632.897 (10) and chs. 609, 630, 635, 645, and 646, but the sponsoring association  
15 shall:

16 **SECTION 11.** 301.12 (8) (d) of the statutes is amended to read:

17 301.12 (8) (d) After due regard to the case and to a spouse and minor children  
18 who are lawfully dependent on the property for support, compromise or waive any  
19 portion of any claim of the state or county for which a person specified under sub. (2)  
20 is liable, but not any claim payable by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or  
21 by any other 3rd party.

22 **SECTION 12.** 301.12 (14) (a) of the statutes is amended to read:

23 301.12 (14) (a) Except as provided in pars. (b) and (c), liability of a person  
24 specified in sub. (2) or s. 301.03 (18) for care and maintenance of persons under 17  
25 years of age in residential, nonmedical facilities such as group homes, foster homes,

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1 treatment foster homes, child caring institutions, and juvenile correctional  
2 institutions is determined in accordance with the cost-based fee established under  
3 s. 301.03 (18). The department shall bill the liable person up to any amount of  
4 liability not paid by an insurer under s. 632.89 (2) or ~~(2m)~~ (4m) or by other 3rd-party  
5 benefits, subject to rules which include formulas governing ability to pay  
6 promulgated by the department under s. 301.03 (18). Any liability of the resident not  
7 payable by any other person terminates when the resident reaches age 17, unless the  
8 liable person has prevented payment by any act or omission.

9 **SECTION 13.** 609.86 of the statutes is created to read:

10 **609.86 Coverage of alcoholism and other diseases.** Managed care plans  
11 are subject to s. 632.89.

12 **SECTION 14.** 632.89 (title) of the statutes is amended to read:

13 **632.89** (title) ~~Required coverage of~~ **Coverage of mental disorders,**  
14 **alcoholism, and other diseases.**

15 **SECTION 15.** 632.89 (1) (b) of the statutes is created to read:

16 632.89 (1) (b) “Health benefit plan” has the meaning given in s. 632.745 (11).

17 **SECTION 16.** 632.89 (1) (em) of the statutes is repealed.

18 **SECTION 17.** 632.89 (1) (er) of the statutes is created to read:

19 632.89 (1) (er) “Self-insured health plan” has the meaning given in s. 632.745  
20 (24).

21 **SECTION 18.** 632.89 (2) (title) of the statutes is amended to read:

22 632.89 (2) (title) **REQUIRED COVERAGE FOR GROUP PLANS.**

23 **SECTION 19.** 632.89 (2) (a) 1. of the statutes is renumbered 632.89 (2) (a) and  
24 amended to read:

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1           632.89 (2) (a) *Conditions covered.* A group ~~or blanket disability insurance~~  
2 ~~policy issued by an insurer~~ health benefit plan and a self-insured health plan shall  
3 provide coverage of nervous and mental disorders and alcoholism and other drug  
4 abuse problems if required by pars. (c) to (dm) and as provided in pars. ~~(b) (c) to (e)~~  
5 (dm) and sub. (3).

6           **SECTION 20.** 632.89 (2) (a) 2. of the statutes is repealed.

7           **SECTION 21.** 632.89 (2) (b) of the statutes is repealed.

8           **SECTION 22.** 632.89 (2) (c) 1. of the statutes is renumbered 632.89 (2) (c) and  
9 amended to read:

10           632.89 (2) (c) *Minimum coverage* Coverage of inpatient hospital services. If a  
11 group ~~or blanket disability insurance policy issued by an insurer~~ health benefit plan  
12 or a self-insured health plan provides coverage of any inpatient hospital treatment,  
13 the ~~policy~~ plan shall provide coverage for inpatient hospital services for the  
14 treatment of conditions under par. (a) 1. ~~as provided in subd. 2.~~

15           **SECTION 23.** 632.89 (2) (c) 2. of the statutes is repealed.

16           **SECTION 24.** 632.89 (2) (d) 1. of the statutes is renumbered 632.89 (2) (d) and  
17 amended to read:

18           632.89 (2) (d) *Minimum coverage* Coverage of outpatient services. If a group ~~or~~  
19 ~~blanket disability insurance policy issued by an insurer~~ health benefit plan or a  
20 self-insured health plan provides coverage of any outpatient treatment, the ~~policy~~  
21 plan shall provide coverage for outpatient services for the treatment of conditions  
22 under par. (a) 1. ~~as provided in subd. 2.~~

23           **SECTION 25.** 632.89 (2) (d) 2. of the statutes is repealed.

24           **SECTION 26.** 632.89 (2) (dm) 1. of the statutes is renumbered 632.89 (2) (dm)  
25 and amended to read:

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1           632.89 (2) (dm) ~~Minimum coverage~~ Coverage of transitional treatment  
2 arrangements. If a group or blanket disability insurance policy issued by an insurer  
3 health benefit plan or a self-insured health plan provides coverage of any inpatient  
4 hospital treatment or any outpatient treatment, the ~~policy~~ plan shall provide  
5 coverage for transitional treatment arrangements for the treatment of conditions  
6 under par. (a) 1. ~~as provided in subd. 2.~~

7           **SECTION 27.** 632.89 (2) (dm) 2. of the statutes is repealed.

8           **SECTION 28.** 632.89 (2) (e) of the statutes is renumbered 632.89 (5) (b) and  
9 amended to read:

10           632.89 (5) (b) ~~Exclusion~~ Certain health care plans. This ~~subsection~~ section does  
11 not apply to a health care plan offered by a limited service health organization, as  
12 defined in s. 609.01 (3), or by a preferred provider plan, as defined in s. 609.01 (4),  
13 that is not a managed care plan, as defined in s. 609.01 (3c).

14           **SECTION 29.** 632.89 (2m) of the statutes is renumbered 632.89 (4m).

15           **SECTION 30.** 632.89 (3) of the statutes is created to read:

16           632.89 (3) EQUAL COVERAGE REQUIREMENT. (a) *Group plans.* A group health  
17 benefit plan or a self-insured health plan that provides coverage for the treatment  
18 of nervous and mental disorders and alcoholism and other drug abuse problems shall  
19 provide the same coverage for that treatment that it provides for the treatment of  
20 physical conditions.

21           (b) *Individual plans.* If an individual health benefit plan provides coverage for  
22 the treatment of nervous or mental disorders or alcoholism or other drug abuse  
23 problems, the individual health benefit plan shall provide the same coverage for that  
24 treatment that it provides for the treatment of physical conditions.

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1           (c) *All coverage components.* The requirements under this subsection apply to  
2 all coverage-related components, including rates; exclusions and limitations;  
3 deductibles; copayments; coinsurance; annual and lifetime payment limits;  
4 out-of-pocket limits; out-of-network charges; day, visit, or appointment limits;  
5 duration or frequency of coverage; and medical necessity definitions.

6           **SECTION 31.** 632.89 (3m) of the statutes is repealed.

7           **SECTION 32.** 632.89 (5) (title) of the statutes is amended to read:

8           632.89 (5) (title) ~~MEDICARE-EXCLUSION~~ EXCLUSIONS.

9           **SECTION 33.** 632.89 (5) of the statutes is renumbered 632.89 (5) (a).

10          **SECTION 34.** 632.89 (5) (a) (title) of the statutes is created to read:

11          632.89 (5) (a) (title) *Medicare*.

12          **SECTION 35. Initial applicability.**

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

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

17           (b) Health benefit plans covering employees who are affected by a collective  
18 bargaining agreement containing provisions inconsistent with this act that are  
19 issued or renewed on the earlier of the following:

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

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

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

