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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

1995-96

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Insurance, Securities and Corporate Policy...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**



Wisconsin Chiropractic Association
 521 E. Washington Avenue
 Madison, WI 53703
 Tel. (608) 256-7023 • Fax (608) 256-7123

AB
299

*Wants me to be
 sponsor with
 Kenneki
 I asked Pat E to
 speak first of Mary
 Larch & then get
 back to me as to
 what she's
 doing.*

January 23, 1995

To: Members of the State Legislature
 From: Pat Essie
 Bill Gerrard

Re: Independent Medical Examination Legislation

In an era when so many changes affect a person health plan, a patient deserves to know the reasons for an insurance companies refusal to pay for the care they have received. LRB 0962/1 sets guidelines whenever a chiropractor is asked to give an opinion on the reasonableness, necessity or value of the services rendered by the another chiropractor.

This bill would:

- Set minimum educational and experience hours for second opinion givers.
- Require that the chiropractor giving the second opinion earn 50 percent of his or her income from private practice [i.e. they could not be "owned" by an insurance company]. This provision would not apply to disabled chiropractors.
- Require that the chiropractor giving the second opinion be licensed and a resident of Wisconsin.
- Require full disclosure to the patient and the treating chiropractor as to who was doing the second opinion and the results of that second opinion.
- Prohibit pay for second opinions based on a percentage of the money that was saved by the insurance company.
- Provide for an appeal process based on the dispute resolution process operating successfully in workers compensation. [This legislation would not affect workers compensation.]

Patients are inundated with health care options with a myriad of rules, regulations, and exclusions. We strongly believe that when an insurance company makes a decision about an insureds health, that the individual, and the doctor acting on their behalf, have a right to be fully informed as to why that decision was made.

Consumers are tired of arbitrary denials of their health care by insurance companies. We respectfully ask for your support of this bill which begins the process of making sure that decisions are made in the best interests of the patient.





Wisconsin Chiropractic Association

521 E. Washington Avenue
Madison, WI 53703
Tel. (608) 256-7023 • Fax (608) 256-7123

January 23, 1995

To: Members of the State Legislature
From: Pat Essie, Bill Gerrard

Re: **Co-Sponsorship of Dr. Urban's LRB 0962/3**
Qualifications of chiropractors who provide
Independent Medical Exams

In an era when health insurance is increasingly complicated, a patient deserves a full and complete explanation when their health care claim is denied. LRB 0962/3 sets guidelines whenever a chiropractor is asked to give an opinion on the care of another chiropractor.

This bill would:

- Set minimum educational and experience hours for second opinion givers.
- Require that the chiropractor giving the second opinion earn 50 percent of his or her income from private practice [i.e. they could not be "owned" by an insurance company]. This provision would not apply to disabled chiropractors.
- Require that the chiropractor giving the second opinion be licensed in Wisconsin.
- Require full disclosure to the patient and the treating chiropractor as to who was doing the second opinion and the results of that second opinion.
- Prohibit pay for second opinions based on a percentage of the money that was saved by the insurance company.
- Provide for an appeal process based on the dispute resolution process operating successfully in workers compensation. [This legislation would not affect workers compensation.]

Attached please find a copy of the LRB analysis. If you have any questions, please call us or Sara in Rep. Urban's office at 6-9175. **If you have the desire to co-sponsor, we would greatly appreciate your call by March 10, 1995.**

Consumers are not being treated fairly when their health care bills are arbitrarily denied by insurance companies. We respectfully ask for your support of this bill which begins the process of making sure that decisions are made in the health interests of the patient.



1 AN ACT to amend 446.03 (6), 446.03 (7) and 632.87 (3) (b) 1.; and to create
2 446.025, 446.03 (8) and 632.87 (3) (bd), (bp) and (bt) of the statutes; relating
3 to: qualifications of chiropractors who provide independent evaluations for in-
4 surers, procedures for conducting independent evaluations for insurers and
5 granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, an insurer may not restrict or terminate coverage under a policy, plan or contract covering treatment by a licensed chiropractor within the scope of the practice of chiropractic except on the basis of an independent evaluation of the chiropractic treatment. An independent evaluation must be provided by a licensed chiropractor or a peer review committee that includes a licensed chiropractor. Current law does not specify the qualifications that a chiropractor must have in order to provide independent evaluations, nor does current law provide for procedures that a chiropractor must follow when providing an independent evaluation. Current law also does not allow for any further review of the findings or recommendation of an independent evaluation.

This bill establishes qualifications that a chiropractor must have in order to provide independent evaluations that an insurer will use as a basis for restricting or terminating chiropractic coverage. A chiropractor must be certified by the chiropractic examining board (board) to provide independent evaluations, must get at least 50% of his or her income from the private practice of chiropractic and must be a member of a state or national chiropractic association. The board is authorized to promulgate rules establishing the education and experience requirements that a chiropractor must satisfy to be certified to provide independent evaluations. The board is also authorized to promulgate rules to establish a certification procedure and a procedure to determine, each year, whether a chiropractor is still qualified to provide independent evaluations. The bill establishes procedures that a chiropractor must follow when providing an independent evaluation, and allows the board to discipline a chiropractor for engaging in unprofessional conduct when providing an independent evaluation. The bill also prohibits a chiropractor who provides an independent evaluation from being compensated by an insurer based on the percentage of the dollar amount by which an insurance claim is reduced as a result of the chiropractor's independent evaluation. Finally, the bill creates a procedure for a chiropractor whose treatment is being evaluated to have an expert review the independent evaluation so that the expert can give an opinion on the necessity of the treatment being evaluated. Under the bill, the expert who conducts the review must satisfy the same requirements as are established for a chiropractor who provides independent evaluations, and must also have practiced chiropractic for at least 10 years, must have completed at least 300 hours of course work sponsored by a school approved by a council on chiropractic education, and must be eligible to take an examination administered by the board or council of the professional association that governs his or her practice specialty. The bill also authorizes the board to promulgate rules concerning the expert review procedure and the certification of expert reviewers.

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



URBAN

Wisconsin State Representative • 99th Assembly District
DR. FRANK H. URBAN

AB 299

TO: Legislative Colleagues
FROM: Representative Frank Urban
DATE: February 15, 1995
RE: Co-sponsorship of LRB 0962/3, relating to qualifications of chiropractors who provide independent evaluations for insurers

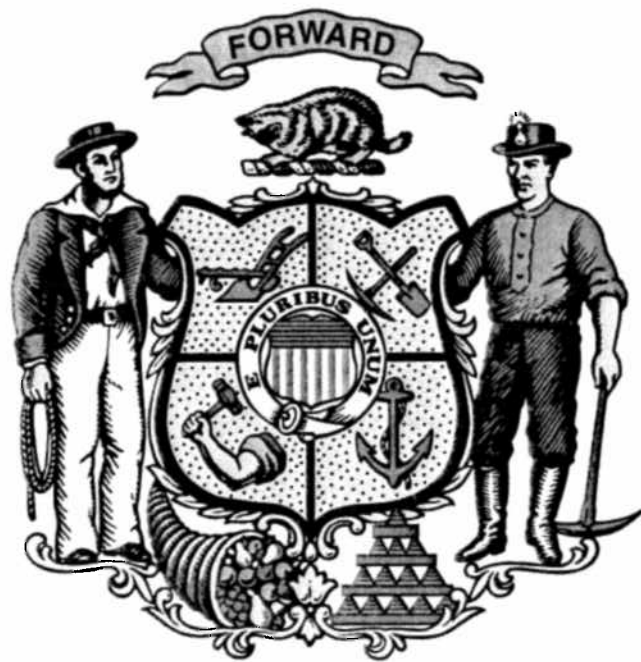
At the request of the Wisconsin Chiropractic Association I am introducing LRB 0962/3. This bill sets guidelines for when a chiropractor is asked to give an opinion on the reasonableness, necessity or value of the services rendered by another chiropractor.

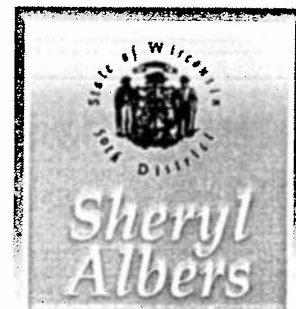
This bill would:

- Set minimum educational and experience hours for second opinion givers.
- Require that the chiropractor giving the second opinion earn 50% of his or her income from private practice (i.e. they could not be "owned" by an insurance company). This provision would not apply to disabled chiropractors.
- Require full disclosure to the patient and the treating chiropractor as to who was doing the second opinion and the results of that second opinion.
- Prohibit pay for second opinions based on a percentage of the money that was saved by the insurance company.
- Provide for an appeal process based on the dispute resolution process operating successfully in workers compensation. (This legislation would not affect workers compensation.)

When an insurance company questions the necessity and value of care an insured has received, the patient deserves to have a qualified, objective person make that evaluation. In the event that the insurance company refuses to pay for treatment, the insured deserves to be informed of the reasons for refusal to pay.

Attached please find a copy of the LRB analysis. If you have any questions or would like to co-sponsor this important legislation, please call Sara in my office (6-9175) by **THURSDAY, MARCH 2ND.**





MEMORANDUM

TO: SPEAKER PROSSER

FROM: REPRESENTATIVE SHERYL ALBERS

RE: INDEPENDENT MEDICAL EXAMINATION LEGISLATION

DATE: MARCH 3, 1995

I wanted to let you know my wishes regarding to Frank Urban's proposed legislation relating to independent medical examinations, LRB 0962/3. As you know, he will be introducing this legislation at the request of the Wisconsin Chiropractic Association.

I am a co-author of the legislation, and I was under the impression that because the bill relates directly to insurance practices, it would be referred to my committee. As such, my preference is for that particular legislation to be referred to the Insurance, Securities, and Corporate Policy Committee. It is my hope you will keep that in mind as the referral is made. Thank you for your consideration.

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