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Correspondence Memorandum

Date: December 8, 2020

To: Employee Trust Funds Board
 Wisconsin Retirement Board
 Teachers Retirement Board

From: Tarna Hunter, Legislative Liaison

Subject: Legislative Update

This memo is for informational purposes only. No Board action is required.

On November 17, Governor Evers released a [bill](#) related to the COVID-19 pandemic. On December 1, the Assembly Speaker issued an [LFB memo](#) detailing the Assembly COVID-19 legislative package. We have done an initial review of the proposals and identified the following provisions that relate to ETF benefit programs. Most of the provisions are extensions of laws included in the spring COVID-19 legislation – [2019 Act 185](#).

WRS Return-to-Work

- Allows a WRS annuitant who is hired for a critical position during the period beginning on the effective date of the bill to return to work and elect to not suspend their annuity for the duration of the public health emergency. The employee may not have an agreement with any WRS employer to return to work or enter into a contract to provide employee services for the employer. Additionally, the bill reduces the break-in-service requirement from 75 days to 15 days for a WRS annuitant who is hired for a critical position during the public health emergency beginning on the effective date of the bill.

The Governor’s provision ends on December 31, 2021 and the Assembly provision ends on June 30, 2021.

Reviewed and approved by Pam Henning, Assistant Deputy Secretary

Pamela L Henning Electronically Signed 12/08/20

| Board | Mtg Date | Item # |
|-------|----------|--------|
| ETF | 12.10.20 | 5M |
| WR | 12.10.20 | 4I |
| TR | 12.09.20 | 4H |

Health Insurance Coverage

- **Cost Sharing** – The Governor’s legislation requires health plans to provide coverage of testing, treatment and vaccines of COVID-19 without imposing any copayment or coinsurance. The Assembly proposal requires health plans to provide coverage of COVID-19 testing without imposing any copayment or coinsurance.

The Governor’s provision applies through December 31, 2021 and the Assembly provision applies through June 30, 2021.

- **Prescription Drugs Coverage** – Prohibits requiring prior authorization for early refills of a prescription drug or otherwise restricting the period of time in which a prescription drug may be refilled and from imposing a limit on the quantity of prescription drugs that may be obtained if the quantity is no more than a 90-day supply. These prohibitions do not apply if the prescription drug is a controlled substance.

The Governor’s provision applies through December 31, 2021 and the Assembly provision applies through June 30, 2021.

- **Out-of-Network Costs** – Prohibits health plans from requiring a member to pay more for a service, treatment, or supply provided by an out-of-network provider than the member would have to pay if the services were provided in-network. This prohibition applies to services received related to COVID-19 and applies if the member saw an out-of-network provider because a participating provider was not available.

The Governor’s prohibition applies through December 31, 2021. The Assembly prohibition is applicable until the conclusion of a national emergency declared by the U.S. President in response to COVID-19 or until June 30, 2021, whichever is earlier.

- **Telehealth** – The Governor’s legislation prohibits a health insurance policy or a self-insured health plan of the state or a county, city, village, town, or school district from denying coverage for a treatment or service provided through telehealth if that treatment or service is covered under the policy or plan when provided in person by a health care provider.

This prohibition applies through December 31, 2021. The Assembly proposal did not include this provision.

I will be available at the December 10, 2020, Board meeting to answer any questions.