



October 16th, 2016

Wisconsin Group Insurance Board
Attn: Group Insurance Board Coordinator
Department of Employee Trust Funds
801 W. Badger Road
P.O. Box 7931
Madison, WI 53707-7931

Dear Group Insurance Board:

The Wisconsin Chiropractic Association (WCA) writes to alert you to a possible issue concerning Wisconsin's "insurance equality law" at Wis. Stat. s. 632.87(3) should Wisconsin self-insure its plan for state employees. Specifically, Wis. Stat. s. 632.87(3)(b) prohibits an "insurer, under a policy, plan or contract covering diagnosis and treatment of a condition or complaint by a licensed chiropractor within the scope of the chiropractor's professional license" from doing any of the following:

1. Restricting coverage for the treatment of a condition or a complaint by a licensed chiropractor within the scope of the chiropractor's professional license on the basis of other than an examination or evaluation by or a recommendation of a licensed chiropractor or a peer review committee that includes a licensed chiropractor;
2. Refusing to provide coverage to an individual because that individual has been treated by a chiropractor;
3. Establishing underwriting standards that are more restrictive for chiropractic care than for care provided by other health care providers; or
4. Excluding or restricting health care coverage of a health condition solely because the condition may be treated by a chiropractor.

The prohibitions above apply to "insurers" in Wisconsin. If Wisconsin self-insures its health coverage for state employees and hires a company to administer and process claims, there will arguably no longer be an "insurer" involved with the Wisconsin state employee health plan. Therefore, it is possible that this statutory provision will no longer apply to the Wisconsin state employee health plan.

WCA understands that Group Insurance Board has selected the Pennsylvania benchmark plan for Essential Health Benefits. That benchmark plan currently limits chiropractic care to 20 visits/year. See <https://www.cms.gov/CCIIO/Resources/Data-Resources/Downloads/pennsylvania-ehb-benchmark-plan.pdf>, at 4. Wisconsin's insurance equality law would not permit this limitation. However, if Wis. Stat. s. 632.87(3) no longer applies to the Wisconsin state employee plan, it is possible that the plan administrator may impose the benchmark plan limit. The WCA is very concerned about imposing arbitrary limits on chiropractic care, particularly when current Wisconsin law prohibits insurers from doing so.

As a result, the WCA asks the Group Insurance Board to clarify as part of any process to self-insure that it is the intent of the Board that Wis. Stat. s. 632.87(3) will continue to apply to any plan offered to state and local employees of Wisconsin.

We look forward to hearing from you. Please do not hesitate to contact me with any questions.

Sincerely,

A handwritten signature in black ink that reads "John Murray". The signature is written in a cursive, flowing style.

John Murray
Executive Director



STATE OF WISCONSIN
Department of Employee Trust Funds
Robert J. Conlin
SECRETARY

801 W Badger Road
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October 25, 2016

JOHN MURRAY, EXECUTIVE DIRECTOR
WISCONSIN CHIROPRACTIC ASSOCIATION
521 E WASHINGTON AVE
MADISON WI 53703

Dear Mr. Murray:

This letter is in response to your inquiry to the Department of Employee Trust Funds (ETF) received on October 14, 2016. ETF administers the group health insurance program for state employees on behalf of the Group Insurance Board (Board). As the Director of ETF's Office of Strategic Health Policy, I have been asked to respond.

You raised concerns that the Board's potential move to a self-insured model for the state's health insurance program could jeopardize coverage of chiropractic services under the program or somehow limit such coverage. While your analysis raises questions about the applicability of Chapter 632 under a different model, it is important to read the statutes as they relate to the state health insurance program in conjunction with Chapter 40. Section 40.51(8) provides that the health care coverage plan offered by the state shall comply with provisions in Chapter 632, including 632.87(3). Absent a change in law, this statute would apply no matter what model is used to fund the health insurance program.

The best way to stay informed is to monitor the work of the Board. GIB meeting dates and agendas are located on the ETF website at http://www.etf.wi.gov/boards/board_gib.htm. You may also sign up for automatic e-alerts. Just click on the red envelope on our home page.



Thank you again for your interest in the state health insurance program.

Sincerely,

Lisa Ellinger, Director
Office of Strategic Health Policy