



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-6522/1
ALL:all

2019 BILL

1 **AN ACT to repeal** 108.04 (2) (h), 108.04 (12) (f) and 609.205 (1); **to renumber and**
2 **amend** 450.11 (5) (br) 3.; **to amend** 40.22 (1), 40.22 (2m) (intro.), 40.22 (2r)
3 (intro.), 40.22 (3) (intro.), 40.26 (1m) (a), 40.26 (1m) (b), 40.26 (5m), 40.51 (8),
4 40.51 (8m), 66.0137 (4), 102.565 (6), 108.04 (3) (b), 108.062 (2) (d), 108.062 (20)
5 (intro.), 108.062 (20) (c), 108.07 (5) (bm) 3. b., 115.385 (6), 115.415 (1) (b), 120.13
6 (2) (g), 140.145 (10) (a), 140.145 (10) (b), 185.983 (1) (intro.), 323.19 (4) (b),
7 323.2912, 323.2913, 450.11 (5) (br) 2. d., 609.205 (2) and (3) (intro.) and (a) and
8 632.895 (16v) (a) (intro.); **to repeal and recreate** 632.895 (14g) (b); and **to**
9 **create** 20.435 (1) (dw), 20.505 (1) (bk), 20.835 (2) (an), 40.26 (7), 73.03 (75),
10 102.03 (7), 252.02 (8), 323.19 (3m), 323.19 (3p), 323.267, 450.11 (5) (br) 3. b.,
11 609.719, 632.871 and 655.0025 of the statutes; **relating to:** state government
12 response to COVID-19 pandemic, extending the time limit for emergency rule

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1 procedures, providing an exemption from emergency rule procedures, granting
2 rule-making authority, and making an appropriation.

Analysis by the Legislative Reference Bureau**HEALTH AND HUMAN SERVICES*****Prescription order extensions***

Current law allows a pharmacist to extend a prescription order under certain circumstances in the event that the prescription cannot otherwise be refilled, subject to certain criteria and limitations. However, current law also includes an alternative authorization for a pharmacist to extend a prescription during the public health emergency declared on March 12, 2020, by executive order 72, and for 30 days after the conclusion of that public health emergency. Under this alternative authorization, a pharmacist is exempt from having to contact the prescribing practitioner or his or her office, the pharmacist may extend the prescription by up to a 30-day supply, and certain other requirements also do not apply. This bill provides that this alternative authorization to extend a prescription order also applies beginning on the bill's effective date to the end of 2021.

Orders prohibiting evictions and foreclosures

This bill allows the Department of Health Services to issue an order prohibiting the commencement of actions for eviction or foreclosure for any period before January 1, 2022.

Funding for Department of Health Services for COVID-19

This bill provides funding to DHS for community testing, contact tracing, vaccinations, and public awareness related to COVID-19.

INSURANCE***Coverage limits on certain prescription drugs***

The bill prohibits insurers that offer health insurance, self-insured governmental health plans, and pharmacy benefit managers from requiring, before January 1, 2022, 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 bill reinstates the prohibitions that were enacted in 2019 Wisconsin Act 185 but that expired with the termination of the state of emergency related to public health declared on March 12, 2020, by the governor.

Liability insurance for physicians and nurse anesthetists

This bill specifies that, before January 1, 2022, a physician or nurse anesthetist for whom Wisconsin is not a principal place of practice but who is temporarily authorized to practice in Wisconsin may fulfill financial responsibility requirements by filing with the commissioner of insurance a certificate of insurance for a policy of

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health care liability insurance issued by an insurer authorized in a certain jurisdiction specified in the bill. Additionally, under those same circumstances, the physician or nurse anesthetist may elect to be covered by Wisconsin's health care liability laws.

Out-of-network costs related to health coverage

This bill prohibits, through December 31, 2021, a defined network plan, including a health maintenance organization, or preferred provider plan from requiring an enrollee of the plan to pay more for a service, treatment, or supply provided by an out-of-network provider than if the service, treatment, or supply is provided by an in-network provider. This prohibition applies to any service, treatment, or supply that is related to the diagnosis of or treatment for COVID-19 and that is provided by an out-of-network provider because a participating provider is unavailable due to the COVID-19 pandemic. For a service, treatment, or supply provided under those circumstances, the bill requires the plan to reimburse the out-of-network provider at 250 percent of the federal Medicare program rate. Also, under those circumstances, any health care provider or facility that provides a service, treatment, or supply to an enrollee of a plan but is not a participating provider of that plan shall accept as payment in full any payment by a plan that is at least 250 percent of the federal Medicare program rate and may not charge the enrollee an amount that exceeds the amount that the provider or facility is reimbursed by the plan. Similar prohibitions and requirements were created in 2019 Wisconsin Act 185, except that the reimbursement rate in Act 185 for an out-of-network provider was 225 percent of the federal Medicare program rate. The Act 185 prohibitions and requirements applied only during the state of emergency related to public health declared on March 12, 2020, and for 60 days following the termination of that state of emergency.

Coverage of COVID-19 related costs without cost sharing

The bill requires every health insurance policy and every self-insured governmental health plan that generally covers testing for and treatment of infectious disease to provide coverage of testing for, diagnosis and treatment of, and administration of any vaccination developed to prevent COVID-19 without imposing any copayment or coinsurance. This requirement applies through December 31, 2021. A health insurance policy is referred to in the bill as a disability insurance policy. Current law requires health insurance policies and self-insured governmental health plans to cover, until March 13, 2021, testing for COVID-19 without imposing any copayment or coinsurance.

Coverage parity for telehealth services

This bill 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. Health insurance policies are known as disability insurance policies in the bill. Telehealth is a practice of health care delivery, diagnosis, consultation, treatment, or transfer of medically relevant data by means of audio, video, or data communications that are used either during

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a patient visit or a consultation or are used to transfer medically relevant data about a patient.

EDUCATION**PUPIL ASSESSMENTS*****Pupil assessments and school and school district accountability report; 2020-21 school year exemption***

Under the bill, requirements to administer various pupil assessments do not apply in the 2020-21 school year. The bill also prohibits the Department of Public Instruction from publishing a school and school district accountability report for the 2020-21 school year.

Under current law, school boards, independent charter schools, private schools participating in the Milwaukee Parental Choice Program, Racine Parental Choice Program, or Wisconsin Parental Choice Program, and, under some circumstances, a private school participating in the Special Needs Scholarship Program are required to annually administer assessments adopted by DPI to pupils in the fourth, eighth, ninth, tenth, and eleventh grades. These assessments are commonly referred to as the Wisconsin Student Assessment System, which includes the Wisconsin Forward Exam, ACT ASPIRE, the ACT with Writing, and Dynamic Learning Maps. The requirements to administer the WSAS did not apply in the 2019-20 school year. Under the bill, the requirements to administer the WSAS do not apply in the 2020-21 school year.

Current law also requires school boards, independent charter schools, and private schools participating in a parental choice program to annually administer a standardized reading test developed by DPI to third grade pupils. The requirements to administer the third grade standardized reading test did not apply in the 2019-20 school year. Under the bill, the requirements to administer the third grade standardized reading test do not apply in the 2020-21 school year.

Under current law, each school board and independent charter school must annually administer a reading readiness assessment selected by the school board or independent charter school to pupils in four-year-old kindergarten through second grade. The requirements to administer a reading readiness assessment applied in the 2019-20 school year. Under the bill, the requirements to administer a reading readiness assessment do not apply in the 2020-21 school year.

Under current law, school boards and independent charter schools are required to evaluate teachers and principals using an educator effectiveness evaluation system that considers pupil performance on statewide assessments. School boards and independent charter schools were prohibited from considering pupil performance on statewide assessments in evaluating teachers and principals in the 2019-20 school year. Under the bill, the prohibition against considering pupil performance on statewide assessments in evaluating teachers and principals also applies in 2020-21 school year.

SCHOOL AND SCHOOL DISTRICT ACCOUNTABILITY REPORT

Under current law, DPI is required to publish a school and school district accountability report for the previous school year by November 30. To measure

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school performance and school district improvement for purposes of the report card, particularly measures related to pupil achievement in reading and math, DPI uses data derived from pupil performance on the WSAS.

Under current law, schools and school districts were not required to administer the WSAS in the 2019-20 school year and DPI is prohibited from publishing a school and school district accountability report in the 2020-21 school year. Under the bill, schools and school districts are not required to administer the WSAS in the 2020-21 school year and DPI is prohibited from publishing a school and school district accountability report in the 2021-22 school year.

EMPLOYMENT**STATE EMPLOYMENT*****Limited-term employees***

Under the bill, the director of the Bureau of Merit Recruitment and Selection in the Division of Personnel Management in the Department of Administration may adjust the number of hours a state employee in a limited-term appointment may work during the period beginning on March 12, 2020, and ending on December 31, 2021. Under current law, a limited-term appointment may not exceed 1,040 hours per year.

Use of annual leave

Under the bill, a state employee may take annual leave during the period beginning on March 12, 2020, and ending on December 31, 2021, even if the employee has not completed the first six months of the employee's probationary period. Under current law, an employee may not take annual leave during the first six months of the employee's probationary period.

UNEMPLOYMENT INSURANCE***Benefit charging***

Current law, as enacted in 2019 Wisconsin Act 185, requires the Department of Workforce Development, when processing claims for unemployment insurance benefits and evaluating work-share plans, to determine whether a claim or plan is related to the public health emergency declared by the governor under Executive Order 72. If a claim is so related, current law provides that the regular benefits for that claim for weeks occurring after March 12, 2020, and before December 31, 2020, not be charged as is normally provided. Instead, the benefits for those weeks are, subject to numerous exceptions, to be charged in one of two ways:

1. To the balancing account of the unemployment reserve fund, which is a pooled account financed by employers that pay contributions (taxes) and is used to pay benefits that are not chargeable to any employer's account.
2. To the unemployment interest and penalties appropriation account for reimbursable employers, which are employers that do not pay contributions but instead reimburse DWD for benefits directly.

This bill allows the secretary of administration to transfer moneys from any executive branch appropriation to the unemployment interest and penalties appropriation account for the purpose of paying the benefits described above

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attributable to reimbursable employers under Act 185. The transfers may not exceed the amount necessary to make those payments.

Work-share programs

Current law allows an employer to create a work-share program within a work unit of the employer. Under a work-share program, the working hours of all of the full-time employees in the program are reduced in an equitable manner in lieu of a layoff of some of the employees and a continuation of full-time employment by the other employees. A claimant for unemployment insurance benefits who is included in a work-share program may receive UI benefits during his or her continued employment with the work-share employer in an amount equal to the claimant's benefit for total unemployment multiplied by the same percentage reduction in normal working hours that the claimant incurs under the program. Current law also provides for the temporary modification of certain requirements that apply to work-share plans with respect to work-share plans submitted on or after April 17, 2020, and before December 31, 2020. This bill extends the applicability of these modifications to January 1, 2022. The bill also adds an additional modification, which is made effective permanently, to allow work-share plans to remain in effect for 12 months in a five-year period, instead of six months.

Waiting period

Currently, a claimant must generally wait one week after becoming eligible to receive unemployment insurance benefits before the claimant may receive benefits for a week of unemployment, but the application of the one-week waiting period is temporarily suspended for benefit years that began after March 12, 2020, and before February 7, 2021. This bill extends the end date for suspending the one-week waiting period to January 1, 2022.

Registration for work and work search waivers

Under current law, a claimant for unemployment insurance benefits is generally required to register for work and to search for work each week in order to remain eligible, but DWD is required to waive these requirements under certain circumstances. Under current law, DWD has limited rule-making authority to modify the availability of waivers or establish additional waivers if necessary to comply with a requirement under federal law or if specifically allowed under federal law. This bill allows DWD to promulgate rules that remain in effect until January 1, 2022, that provide waivers of the registration for work or work search requirements under additional circumstances.

Receipt of Social Security Disability Insurance benefits

Under current law, in any week in any month that a claimant is receiving a benefit under the federal social security disability program, that claimant is ineligible for unemployment insurance benefits. This bill repeals that prohibition and allows an otherwise eligible claimant to receive both federal social security disability benefits and unemployment insurance benefits for the same period.

BILL**WORKER'S COMPENSATION*****Injury to critical workers***

This bill provides that, for the purposes of worker's compensation, an injury caused to a critical worker by COVID-19 during the period beginning on the effective date of the bill and ending on December 31, 2021, is presumed to be caused by the individual's employment. The presumption requires a diagnosis or positive test for COVID-19 and may be rebutted by specific evidence that the injury was caused outside of employment. Under the bill, the secretary of health services determines which workers are considered critical workers during the specified period.

FINANCIAL INSTITUTIONS***Remote notarization of estate planning documents***

This bill allows a notary public, through the end of calendar year 2021, to perform notarizations involving estate planning documents for individuals not physically present before the notary public.

Current law generally requires a person to physically appear before a notary public in order for the notary public to perform a notarial act, but provisions in 2019 Wisconsin Act 125 allow a notary public, using technology, to notarize documents for persons not physically present with the notary public (remotely located individuals) if certain requirements are satisfied. This authority under Act 125 for a notary public to perform a notarial act for a remotely located individual does not extend to a transaction involving estate planning documents such as wills and trusts.

This bill allows a notary public, through the end of calendar year 2021, to perform for a remotely located individual a notarial act involving estate planning documents such as wills and trusts.

RETIREMENT AND GROUP INSURANCE**WISCONSIN RETIREMENT SYSTEM*****WRS annuities for critical workers***

Under current law, certain people who receive a retirement or disability annuity from the Wisconsin Retirement System and who are hired by an employer that participates in the WRS must suspend that annuity and may not receive a WRS annuity payment until the person is no longer in a WRS-covered position. This suspension applies to a person who 1) has reached his or her normal retirement date; 2) is appointed to a position with a WRS-participating employer, or provides employee services as a contractor to a WRS-participating employer; and 3) is expected to work at least two-thirds of what is considered full-time employment by the Department of Employee Trust Funds.

This bill creates an exception to this suspension if 1) the person is either hired or provides employee services as a contractor in a critical position during the period beginning on the effective date of the bill and ending on December 31, 2021; 2) at the time the person initially retires from covered employment with a participating employer, the person does not have an agreement with any participating employer to return to employment; and 3) the person elects to not become a participating employee at the time the person is rehired or enters into a contract after retirement.

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In other words, the bill allows a WRS annuitant who is either hired or provides employee services as a contractor in a critical position during the period beginning on the effective date of the bill and ending on December 31, 2021, to return to work with an employer who participates in the WRS and continue to receive his or her annuity.

STATE GOVERNMENT***Waiving in-person requirements***

Current law allowed a state entity to waive any requirement that an individual appear in person during the public health emergency declared on March 12, 2020. This bill expands that provision so that a state entity may waive such in-person requirements through December 31, 2021, if enforcing the requirement would increase the public health risk.

Waiver of certain interest, penalties, and payments

Under this bill, each state agency and authority and each local governmental unit may waive any interest, penalty, or payment that accrues or becomes due beginning on the day the bill becomes law and ending on December 31, 2021, with respect to a debt any person owes to the agency, authority, or local unit of government.

COVID-19 testing and surge capacity

The bill requires DOA to do all of the following related to COVID-19:

1. Facilitate COVID-19 testing and diagnosis throughout this state.
2. Operate alternate care facilities staffed by health care professionals for patients diagnosed with COVID-19.
3. Facilitate surge staffing resources for health care facilities throughout the state.

Grants to small businesses

The bill authorizes the Department of Revenue to provide grants to small businesses in the manner to be determined by DOR.

This proposal may contain a health insurance mandate requiring a social and financial impact report under s. 601.423, stats.

Because this bill relates to public employee retirement or pensions, it may be referred to the Joint Survey Committee on Retirement Systems for a report to be printed as an appendix to the bill.

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

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

- 1 **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert
- 2 the following amounts for the purposes indicated:

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	2019-20	2020-21
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1 **20.435 Health services, department of**

2 (1) PUBLIC HEALTH SERVICES PLANNING, REGULATION,
3 AND DELIVERY

4 (dw) Coronavirus pandemic	GPR	A	-0-	63,000,000
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5 **20.505 Administration, department of**

6 (1) SUPERVISION AND MANAGEMENT

7 (bk) COVID-19 testing and surge

8 capacity	GPR	A	-0-	403,000,000
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9 **20.835 Shared revenue and tax relief**

10 (2) TAX RELIEF

11 (an) Grants to small businesses	GPR	A	-0-	75,000,000
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12 **SECTION 2.** 20.435 (1) (dw) of the statutes is created to read:

13 20.435 (1) (dw) *Coronavirus pandemic*. The amounts in the schedule for
14 community testing, contact tracing, vaccinations, and public awareness related to
15 the infection caused by the SARS-CoV-2 coronavirus, known as COVID-19.

16 **SECTION 3.** 20.505 (1) (bk) of the statutes is created to read:

17 20.505 (1) (bk) *COVID-19 testing and surge capacity*. The amounts in the
18 schedule for the purposes specified in 2019 Wisconsin Act ... (this act), section 49 (3).

19 **SECTION 4.** 20.835 (2) (an) of the statutes is created to read:

20 20.835 (2) (an) *Grants to small businesses*. The amounts in the schedule to
21 provide grants to small businesses under s. 73.03 (75).

BILL**SECTION 5**

1 **SECTION 5.** 40.22 (1) of the statutes, as affected by 2019 Wisconsin Act 185, is
2 amended to read:

3 40.22 (1) Except as otherwise provided in sub. (2) and s. 40.26 (6) and (7), each
4 employee currently in the service of, and receiving earnings from, a state agency or
5 other participating employer shall be included within the provisions of the Wisconsin
6 retirement system as a participating employee of that state agency or participating
7 employer.

8 **SECTION 6.** 40.22 (2m) (intro.) of the statutes, as affected by 2019 Wisconsin Act
9 185, is amended to read:

10 40.22 (2m) (intro.) Except as otherwise provided in s. 40.26 (6) and (7), an
11 employee who was a participating employee before July 1, 2011, who is not expected
12 to work at least one-third of what is considered full-time employment by the
13 department, as determined by rule, and who is not otherwise excluded under sub. (2)
14 from becoming a participating employee shall become a participating employee if he
15 or she is subsequently employed by the state agency or other participating employer
16 for either of the following periods:

17 **SECTION 7.** 40.22 (2r) (intro.) of the statutes, as affected by 2019 Wisconsin Act
18 185, is amended to read:

19 40.22 (2r) (intro.) Except as otherwise provided in s. 40.26 (6) and (7), an
20 employee who was not a participating employee before July 1, 2011, who is not
21 expected to work at least two-thirds of what is considered full-time employment by
22 the department, as determined by rule, and who is not otherwise excluded under sub.
23 (2) from becoming a participating employee shall become a participating employee
24 if he or she is subsequently employed by the state agency or other participating
25 employer for either of the following periods:

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1 **SECTION 8.** 40.22 (3) (intro.) of the statutes, as affected by 2019 Wisconsin Act
2 185, is amended to read:

3 40.22 (3) (intro.) Except as otherwise provided in s. 40.26 (6) and (7), a person
4 who qualifies as a participating employee shall be included within, and shall be
5 subject to, the Wisconsin retirement system effective on one of the following dates:

6 **SECTION 9.** 40.26 (1m) (a) of the statutes, as affected by 2019 Wisconsin Act 185,
7 is amended to read:

8 40.26 (1m) (a) Except as otherwise provided in ~~sub.~~ subs. (6) and (7), if a
9 participant receiving a retirement annuity, or a disability annuitant who has
10 attained his or her normal retirement date, is employed in a position in covered
11 employment in which he or she is expected to work at least two-thirds of what is
12 considered full-time employment by the department, as determined under s. 40.22
13 (2r), the participant's annuity shall be suspended and no annuity payment shall be
14 payable until after the participant terminates covered employment.

15 **SECTION 10.** 40.26 (1m) (b) of the statutes, as affected by 2019 Wisconsin Act
16 185, is amended to read:

17 40.26 (1m) (b) Except as otherwise provided in ~~sub.~~ subs. (6) and (7), if a
18 participant receiving a retirement annuity, or a disability annuitant who has
19 attained his or her normal retirement date, enters into a contract to provide
20 employee services with a participating employer and he or she is expected to work
21 at least two-thirds of what is considered full-time employment by the department,
22 as determined under s. 40.22 (2r), the participant's annuity shall be suspended and
23 no annuity payment shall be payable until after the participant no longer provides
24 employee services under the contract.

BILL**SECTION 11**

1 **SECTION 11.** 40.26 (5m) of the statutes, as created by 2019 Wisconsin Act 185,
2 is amended to read:

3 40.26 **(5m)** During the public health emergency declared on March 12, 2020,
4 by executive order 72, or during the period beginning on the effective date of this
5 subsection [LRB inserts date], and ending on December 31, 2021, sub. (5) does not
6 apply if at least 15 days have elapsed between the termination of employment with
7 a participating employer and becoming a participating employee if the position for
8 which the participant is hired is a critical position, as determined by the secretary
9 of health services under s. 323.19 (3).

10 **SECTION 12.** 40.26 (7) of the statutes is created to read:

11 40.26 **(7)** (intro.) During the period beginning on the effective date of this
12 subsection [LRB inserts date], and ending on December 31, 2021, a participant
13 who is hired during the period may elect to not suspend his or her retirement annuity
14 or disability annuity under sub. (1m) for the duration of the period if all of the
15 following conditions are met:

16 (a) At the time the participant terminates his or her employment with a
17 participating employer, the participant does not have an agreement with any
18 participating employer to return to employment or enter into a contract to provide
19 employee services for the employer.

20 (b) The participant is hired to a critical position, as determined under s. 323.19
21 (3m).

22 **SECTION 13.** 40.51 (8) of the statutes, as affected by 2019 Wisconsin Act 185,
23 is amended to read:

24 40.51 **(8)** Every health care coverage plan offered by the state under sub. (6)
25 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746

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1 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,
2 632.855, 632.867, 632.87 (3) to (6), 632.871, 632.885, 632.89, 632.895 (5m) and (8) to
3 (17), and 632.896.

4 **SECTION 14.** 40.51 (8m) of the statutes, as affected by 2019 Wisconsin Act 185,
5 is amended to read:

6 40.51 (8m) Every health care coverage plan offered by the group insurance
7 board under sub. (7) shall comply with ss. 631.95, 632.729, 632.746 (1) to (8) and (10),
8 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867,
9 632.871, 632.885, 632.89, and 632.895 (11) to (17).

10 **SECTION 15.** 66.0137 (4) of the statutes, as affected by 2019 Wisconsin Act 185,
11 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),
16 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855,
17 632.867, 632.87 (4) to (6), 632.871, 632.885, 632.89, 632.895 (9) to (17), 632.896, and
18 767.513 (4).

19 **SECTION 16.** 73.03 (75) of the statutes is created to read:

20 73.03 (75) To provide grants from the appropriation account under s. 20.835
21 (2) (an) to small businesses in this state in the manner prescribed by the department.

22 **SECTION 17.** 102.03 (7) of the statutes is created to read:

23 102.03 (7) (a) In this subsection, “critical worker” means an employee whose
24 position is determined to be critical under s. 323.19 (3p).

BILL**SECTION 17**

1 (b) For the purposes of benefits under this chapter, where an injury to a critical
2 worker is found to be caused by COVID-19, during the period beginning on the
3 effective date of this paragraph ... [LRB inserts date], and ending on December 31,
4 2021, the injury is presumed to be caused by the individual's employment.

5 (c) An injury claimed under par. (b) must be accompanied by a specific diagnosis
6 of COVID-19 by a physician, or by a positive diagnostic test result for the disease.

7 (d) An injury claimed under par. (b) may be rebutted by specific evidence that
8 the injury was caused by exposure to COVID-19 outside of the individual's work for
9 the employer.

10 **SECTION 18.** 102.565 (6) of the statutes, as created by 2019 Wisconsin Act 185,
11 is amended to read:

12 102.565 (6) This section does not apply to an employee whose claim of injury
13 is presumed to be caused by employment under s. 102.03 (6) or (7).

14 **SECTION 19.** 108.04 (2) (h) of the statutes is repealed.

15 **SECTION 20.** 108.04 (3) (b) of the statutes, as created by 2019 Wisconsin Act 185,
16 is amended to read:

17 108.04 (3) (b) Paragraph (a) does not apply with respect to benefit years that
18 begin after March 12, 2020, and before ~~February 7, 2021~~ January 2, 2022. The
19 department shall seek the maximum amount of federal reimbursement for benefits
20 that are, during the time period specified in this paragraph, payable for the first
21 week of a claimant's benefit year as a result of the application of this paragraph.

22 **SECTION 21.** 108.04 (12) (f) of the statutes is repealed.

23 **SECTION 22.** 108.062 (2) (d) of the statutes is amended to read:

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1 108.062 (2) (d) Specify the period or periods when the plan will be in effect,
2 which may not exceed a total of ~~6~~ 12 months in any 5-year period within the same
3 work unit.

4 **SECTION 23.** 108.062 (20) (intro.) of the statutes, as created by 2019 Wisconsin
5 Act 185, is amended to read:

6 108.062 (20) SUSPENSIONS OF CERTAIN PROVISIONS. (intro.) Notwithstanding sub.
7 (2), this subsection, and not sub. (2), applies to work-share plans submitted on or
8 after April 17, 2020, and before ~~December 31, 2020~~ January 2, 2022, subject to sub.
9 (19). During that period, prior to implementing a work-share program, an employer
10 shall submit a work-share plan for the approval of the department. In its submittal,
11 the employer shall certify that its plan is in compliance with all requirements under
12 this section. Each plan shall:

13 **SECTION 24.** 108.062 (20) (c) of the statutes, as created by 2019 Wisconsin Act
14 185, is amended to read:

15 108.062 (20) (c) Specify the period or periods when the plan will be in effect,
16 which may not exceed a total of ~~6~~ 12 months in any 5-year period within the same
17 work unit.

18 **SECTION 25.** 108.07 (5) (bm) 3. b. of the statutes is amended to read:

19 108.07 (5) (bm) 3. b. For reimbursable employers, as defined in s. 108.155 (1)
20 (b), the benefits shall be paid in the manner provided under par. (am) 1. The
21 secretary of administration may transfer any amount from the unencumbered
22 balance of any appropriation of an executive branch agency to the appropriation
23 under s. 20.445 (1) (gd). The transfers made under this subsection may not exceed
24 the amount required to make the payments required under this subd. 3. b.

BILL**SECTION 26**

1 **SECTION 26.** 115.385 (6) of the statutes, as created by 2019 Wisconsin Act 185,
2 is amended to read:

3 115.385 (6) The department ~~shall~~ may not publish a school and school district
4 accountability report under this section in the 2020-21 and 2021-22 school year
5 years.

6 **SECTION 27.** 115.415 (1) (b) of the statutes, as affected by 2019 Wisconsin Act
7 185, is amended to read:

8 115.415 (1) (b) For the evaluation of teachers and principals in the 2019-20 and
9 2020-21 school year years, the school board and the operator of a charter school
10 established under s. 118.40 (2r) may not consider pupil performance on statewide
11 assessments administered under s. 118.30 in the 2019-20 or 2020-21 school year and
12 may not include pupil performance on those assessments in the evaluation score
13 assigned to a teacher or principal under the educator effectiveness evaluation system
14 developed under this section.

15 **SECTION 28.** 120.13 (2) (g) of the statutes, as affected by 2019 Wisconsin Act
16 185, is amended to read:

17 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
18 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,
19 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4) to (6), 632.871,
20 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

21 **SECTION 29.** 140.145 (10) (a) of the statutes, as created by 2019 Wisconsin Act
22 125, is amended to read:

23 140.145 (10) (a) Any law governing the creation and execution of wills, codicils,
24 or testamentary trusts, except that this section applies to a transaction governed as

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1 described in this paragraph from the effective date of this paragraph [LRB inserts
2 date], to December 31, 2021.

3 **SECTION 30.** 140.145 (10) (b) of the statutes, as created by 2019 Wisconsin Act
4 125, is amended to read:

5 140.145 (10) (b) Any law governing the creation and execution of living trusts
6 or trust amendments for personal use, not including a transaction, as defined in s.
7 137.11 (15), except that this section applies to a transaction governed as described
8 in this paragraph from the effective date of this paragraph [LRB inserts date], to
9 December 31, 2021.

10 **SECTION 31.** 185.983 (1) (intro.) of the statutes, as affected by 2019 Wisconsin
11 Act 185, is amended to read:

12 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a
13 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to
14 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,
15 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,
16 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,
17 632.85, 632.853, 632.855, 632.867, 632.87 (2) to (6), 632.871, 632.885, 632.89,
18 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,
19 and 646, but the sponsoring association shall:

20 **SECTION 32.** 252.02 (8) of the statutes is created to read:

21 252.02 (8) The department may issue an order prohibiting the commencement
22 of any action for eviction under chs. 704 and 799 or for foreclosure under ch. 846 for
23 any period before January 1, 2022. An order issued under this subsection may be
24 applicable statewide or may be geographically limited.

25 **SECTION 33.** 323.19 (3m) of the statutes is created to read:

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1 323.19 (3m) Based on guidance provided by the secretary of health services,
2 during the period beginning on the effective date of this subsection [LRB inserts
3 date], and ending on December 31, 2021, the head of each state agency and each local
4 health department shall determine which public employee positions within the
5 respective state agency or local government are critical for the purposes of s. 40.26
6 (7).

7 **SECTION 34.** 323.19 (3p) of the statutes is created to read:

8 323.19 (3p) The secretary of health services shall determine which workers are
9 critical workers for the purposes of s. 102.03 (7).

10 **SECTION 35.** 323.19 (4) (b) of the statutes, as created by 2019 Wisconsin Act 185,
11 is amended to read:

12 323.19 (4) (b) ~~During the public health emergency declared on March 12, 2020,~~
13 ~~by executive order 72~~ period beginning on the effective date of this paragraph
14 [LRB inserts date], and ending on December 31, 2021, the head or governing body
15 of a state entity may waive a statutory or other requirement imposed, administered,
16 or enforced by the state entity that an individual appear in person if the head or
17 governing body finds that ~~the waiver assists in the state's response to the public~~
18 ~~health emergency or that enforcing the requirement may increase the public health~~
19 risk.

20 **SECTION 36.** 323.267 of the statutes is created to read:

21 **323.267 Waivers of certain interest, penalties, and payments. (1)** In this
22 section:

23 (a) "Agency" means any office, department, agency, institution of higher
24 education, association, society, or other body in state government created or
25 authorized to be created by the constitution or any law, including any authority

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1 created in subch. II of ch. 114 or in ch. 231, 232, 233, 234, 237, 238, or 279, but not
2 including the legislature or the courts.

3 (b) “Debtor” means a person who owes a debt to an agency or a local
4 governmental unit.

5 (c) “Effective period” means the period beginning on the effective date of this
6 paragraph ... [LRB inserts date], and ending on December 31, 2021.

7 (d) “Local governmental unit” means a political subdivision of this state, a
8 special purpose district in this state, an agency or corporation of a political
9 subdivision or special purpose district, or a combination or subunit of any of the
10 foregoing.

11 (2) Each agency and local governmental unit may waive any interest, penalty,
12 or payment of a debtor that accrues or becomes due during the effective period with
13 respect to a debt the debtor owes the agency or local governmental unit.

14 **SECTION 37.** 323.2912 of the statutes, as created by 2019 Wisconsin Act 185,
15 is amended to read:

16 **323.2912 Suspension of limited term appointment hours.**

17 Notwithstanding s. 230.26 (1), the director of the bureau of merit recruitment and
18 selection in the division of personnel management in the department of
19 administration may increase or suspend the number of hours for a limited term
20 appointment for the duration of the public health emergency declared period
21 beginning on March 12, 2020, by executive order 72 and ending on December 31,
22 2021.

23 **SECTION 38.** 323.2913 of the statutes, as created by 2019 Wisconsin Act 185,
24 is amended to read:

BILL**SECTION 38**

1 **323.2913 Use of annual leave during probationary period by state**
2 **employee.** Notwithstanding s. 230.35 (1) (b), a state employee may take annual
3 leave within the first 6 months of the employee's probationary period upon initial
4 appointment during the ~~public health emergency declared~~ period beginning on
5 March 12, 2020, by executive order 72 and ending on December 31, 2021. If an
6 employee who has taken annual leave under this section terminates his or her
7 employment before earning annual leave equivalent to the amount of annual leave
8 the employee has taken, the appointing authority shall deduct the cost of the
9 unearned annual leave from the employee's final pay.

10 **SECTION 39.** 450.11 (5) (br) 2. d. of the statutes is amended to read:

11 450.11 (5) (br) 2. d. A pharmacist may not extend a prescription order under
12 subd. 1. for a particular patient if a prescription order was previously extended under
13 subd. 1. for that patient during the applicable period described in subd. 3.

14 **SECTION 40.** 450.11 (5) (br) 3. of the statutes, as created by 2019 Wisconsin Act
15 185, is renumbered 450.11 (5) (br) 3. (intro.) and amended to read:

16 450.11 (5) (br) 3. (intro.) This paragraph applies only ~~during~~ as follows:

17 a. During the public health emergency declared on March 12, 2020, by
18 executive order 72, and for 30 days after the conclusion of that public health
19 emergency. ~~During that time,~~

20 4. While this paragraph applies as specified in subd. 3., it supersedes par. (bm)
21 to the extent of any conflict.

22 **SECTION 41.** 450.11 (5) (br) 3. b. of the statutes is created to read:

23 450.11 (5) (br) 3. b. During the period beginning on the effective date of this
24 subd. 3. b. [LRB inserts date], and ending on December 31, 2021.

25 **SECTION 42.** 609.205 (1) of the statutes is repealed.

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1 **SECTION 43.** 609.205 (2) and (3) (intro.) and (a) of the statutes, as created by
2 2019 Wisconsin Act 185, are amended to read:

3 609.205 (2) All of the following apply to a defined network plan or preferred
4 provider plan ~~during the state of emergency related to public health declared under~~
5 ~~s. 323.10 on March 12, 2020, by executive order 72, and for the 60 days following the~~
6 ~~date that the state of emergency terminates~~ before January 1, 2022:

7 (a) The plan may not require an enrollee to pay, including cost sharing, for a
8 service, treatment, or supply provided by a provider that is not a participating
9 provider in the plan's network of providers more than the enrollee would pay if the
10 service, treatment, or supply is provided by a provider that is a participating
11 provider. This subsection applies to any service, treatment, or supply that is related
12 to diagnosis or treatment for COVID-19 and to any service, treatment, or supply that
13 is provided by a provider that is not a participating provider because a participating
14 provider is unavailable due to the ~~public health emergency~~ COVID-19 pandemic.

15 (b) The plan shall reimburse a provider that is not a participating provider for
16 a service, treatment, or supply provided under the circumstances described under
17 par. (a) at ~~225~~ 250 percent of the rate the federal Medicare program reimburses the
18 provider for the same or a similar service, treatment, or supply in the same
19 geographic area.

20 **(3)** (intro.) ~~During the state of emergency related to public health declared~~
21 ~~under s. 323.10 on March 12, 2020, by executive order 72, and for the 60 days~~
22 ~~following the date that the state of emergency terminates~~ Before January 1, 2022,
23 all of the following apply to any health care provider or health care facility that
24 provides a service, treatment, or supply to an enrollee of a defined network plan or
25 preferred provider plan but is not a participating provider of that plan:

BILL**SECTION 43**

1 (a) The health care provider or facility shall accept as payment in full any
2 payment by a defined network plan or preferred provider plan that is at least ~~225~~ 250
3 percent of the rate the federal Medicare program reimburses the provider for the
4 same or a similar service, treatment, or supply in the same geographic area.

5 **SECTION 44.** 609.719 of the statutes is created to read:

6 **609.719 Telehealth services.** Limited service health organizations,
7 preferred provider plans, and defined network plans are subject to s. 632.871.

8 **SECTION 45.** 632.871 of the statutes is created to read:

9 **632.871 Telehealth services. (1) DEFINITIONS.** In this section:

10 (a) “Disability insurance policy” has the meaning given in s. 632.895 (1) (a).

11 (b) “Self-insured health plan” has the meaning given in s. 632.85 (1) (c).

12 (c) “Telehealth” means a practice of health care delivery, diagnosis,
13 consultation, treatment, or transfer of medically relevant data by means of audio,
14 video, or data communications that are used either during a patient visit or
15 consultation or are used to transfer medically relevant data about a patient.

16 **(2) COVERAGE DENIAL PROHIBITED.** No disability insurance policy or self-insured
17 health plan may deny coverage before January 1, 2022, for a treatment or service
18 provided through telehealth if that treatment or service is covered by the policy or
19 plan when provided in person by a health care provider.

20 **(3) RULE MAKING.** The commissioner may promulgate any rules necessary to
21 implement this section.

22 **SECTION 46.** 632.895 (14g) (b) of the statutes, as created by 2019 Wisconsin Act
23 185, is repealed and recreated to read:

24 632.895 **(14g)** (b) Before January 1, 2022, every disability insurance policy, and
25 every self-insured health plan of the state or of a county, city, town, village, or school

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1 district, that generally covers testing and treatment for infectious diseases shall
2 provide coverage of diagnosis of and testing and treatment for COVID-19, including
3 any prescription drugs, and administration of any vaccination developed to prevent
4 COVID-19 without imposing any copayment or coinsurance on the individual
5 covered under the policy or plan.

6 **SECTION 47.** 632.895 (16v) (a) (intro.) of the statutes, as affected by 2019
7 Wisconsin Act 185, is amended to read:

8 632.895 (16v) (a) (intro.) During the period covered by the state of emergency
9 related to public health declared by the governor on March 12, 2020, by executive
10 order 72 before January 1, 2022, an insurer offering a disability insurance policy that
11 covers prescription drugs, a self-insured health plan of the state or of a county, city,
12 town, village, or school district that covers prescription drugs, or a pharmacy benefit
13 manager acting on behalf of a policy or plan may not do any of the following in order
14 to maintain coverage of a prescription drug:

15 **SECTION 48.** 655.0025 of the statutes is created to read:

16 **655.0025 Participation during public health emergency.** Before January
17 1, 2022, all of the following apply to a physician or nurse anesthetist for whom this
18 state is not a principal place of practice but who is authorized to practice in this state
19 on a temporary basis:

20 (1) The physician or nurse anesthetist may fulfill the requirements of s. 655.23
21 (3) (a) by filing with the commissioner a certificate of insurance for a policy of health
22 care liability insurance issued by an insurer that is authorized in a jurisdiction
23 accredited by the National Association of Insurance Commissioners.

24 (2) The physician or nurse anesthetist may elect, in the manner designated by
25 the commissioner by rule under s. 655.004, to be subject to this chapter.

BILL**SECTION 49****1 SECTION 49. Nonstatutory provisions.**

2 (1) PUPIL ASSESSMENTS; EXEMPTION 2020-21 SCHOOL YEAR. Sections 115.7915 (5) (b)
3 and (6) (j), 118.016 (1) (b), 118.30 (1m), (1r), (1s), and (1t), 118.40 (2r) (d) 2. and (2x)
4 (d) 2., 118.60 (7) (b) 1., 119.23 (7) (b) 1., and 121.02 (1) (r) and (s) do not apply in the
5 2020-21 school year.

6 (2) UNEMPLOYMENT INSURANCE; REGISTRATION FOR WORK AND WORK SEARCH
7 WAIVERS.

8 (a) Notwithstanding s. 108.04 (2) (b), (bb), or (bd) or 108.062 (10m), the
9 department of workforce development may promulgate rules for additional waivers
10 of the registration for work and work search requirements under s. 108.04 (2) (a) 2.
11 and 3. for the period beginning on the effective date of this paragraph and ending on
12 January 1, 2022. The department of workforce development may use the procedure
13 under s. 227.24 to promulgate a rule under this paragraph. Notwithstanding s.
14 227.24 (1) (a) and (3), the department is not required to provide a finding of
15 emergency for a rule promulgated under this paragraph. Notwithstanding s. 227.24
16 (1) (c) and (2), a rule promulgated under this paragraph remains in effect until
17 January 1, 2022.

18 (b) Notwithstanding s. 108.04 (2) (bm), a claimant may receive unemployment
19 insurance benefits for any week in which the claimant failed to comply with the
20 registration for work or work search requirements under s. 108.04 (2) (a) 2. or 3. or
21 failed to provide verification to the department of workforce development that the
22 claimant complied with those requirements if the department has waived those
23 requirements under rules promulgated under par. (a).

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1 (3) COVID-19 TESTING AND SURGE CAPACITY. The department of administration
2 shall do all of the following related to infection caused by the SARS-CoV-2
3 coronavirus, known as COVID-19:

4 (a) Facilitate COVID-19 testing and diagnosis throughout this state.

5 (b) Operate alternate care facilities staffed by health care professionals for
6 patients diagnosed with COVID-19.

7 (c) Facilitate surge staffing resources for health care facilities throughout the
8 state.

SECTION 50. Initial applicability.

9
10 (1) REHIRED ANNUITANTS. The treatment of ss. 40.22 (1), (2m) (intro.), (2r)
11 (intro.), and (3) (intro.), 40.26 (1m) (a) and (b), (5m), and (7), and 323.19 (3m) first
12 applies to participants under the Wisconsin Retirement System who terminate
13 employment on the effective date of this subsection.

14 (2) UNEMPLOYMENT INSURANCE; WORK-SHARE PLANS. The treatment of s. 108.062
15 (20) (c) first applies to work-share plans approved under s. 108.062 (3) or (3m) on the
16 effective date of this subsection.

17 (3) CONCURRENT RECEIPT OF UI AND SSDI BENEFITS. The treatment of ss. 108.04
18 (2) (h) and (12) (f) first applies to determinations issued under s. 108.09 on the
19 effective date of this subsection.

20 **SECTION 51. Effective dates.** This act takes effect on the day after publication,
21 except as follows:

22 (1) CHANGES TO UI PROGRAM. The treatment of ss. 108.04 (2) (h) and (12) (f) and
23 108.062 (2) (d) and (20) (intro.) and (c) takes effect on the first Sunday after
24 publication.

25 (END)