SUMMARY OF BILL PROVISIONS

FALL COVID-19 LEGISLATIVE RESPONSE

IMPROVING ACCESS TO HEALTHCARE & BOLSTERING THE WORKFORCE

BILL PROVISION: Require that insurers cover all telehealth services that would be covered were the services provided in-person.

Agency: Office of the Commissioner of Insurance

Fiscal: No appropriation.

Issue	The emergence of this pandemic has illuminated the significant barriers, especially for individuals in rural areas, to accessing medical care via telehealth services under standard private health insurance. There should be coverage parity between in-person and telehealth services to ensure healthcare is as accessible and affordable as possible.
Considerations	• If we're truly going to slow or stop the spread of COVID-19, we must transition to broader use and acceptance of telehealth. • Telehealth also connects rural Wisconsinites to the care they need, which is increasingly important as access to health care in our communities is limited or strained by this pandemic. • Allowing Wisconsinites to access the care they need in their homes will keep individuals, especially our most vulnerable citizens such as older adults and those with compromised immune systems, out of hospitals, clinics, and other health care facilities where they may be exposed or expose others to COVID-19. • The bill helps achieve telehealth parity by prohibiting health insurers from denying covered services delivered through telehealth.

BILL PROVISION: Prohibit insurers from requiring prior authorization or imposing quantity limitations below a 90 days supply through the end of 2021.

Agency: Office of the Commissioner of Insurance

Fiscal: No appropriation.

Issue	Without statutory relief to ensure flexibility, unintentional or unnecessary barriers that don't account for the extenuating circumstances of the COVID-19 pandemic may limit an individual's access to necessary prescription medicines.
Considerations	• Prohibits requiring prior authorization for early refills of a prescription drug or otherwise restricting the period of time in which a prescription can be refilled. • Also prohibits imposing a limit on the quantity of the prescription drugs if the quantity is no more than 90-days. • These provisions do not apply to controlled substances.

BILL PROVISION: Allow pharmacists to extend most Rx refills by 30 days through the end of 2021, where it is safe to do so.

Agency: Department of Safety and Professional Services

Fiscal: No appropriation.	
Issue	Health care providers need to prioritize services during the pandemic – typically, pharmacists must obtain a health care provider's approval to allow a prescription renewal.
Considerations	• Individuals and pharmacists need flexibility when providers are overextended or otherwise unable to extend a prescription in a timely manner. • Does not include controlled substances and where a "no refill" indication has been made. • Pharmacists must get a health care provider's approval for additional refills after the initial refill without affirmative physician approval.

BILL PROVISION: Provide the Division of Personnel Management with additional flexibility through 2021. **Agency**: Department of Administration **Fiscal:** No appropriation.	
Issue	Statutory relief is necessary in order to allow DPM to assist agencies in retaining LTE staff and quickly recruiting additional staff critical to the response efforts, helping ensure that state agencies can dedicate the maximum level of resources to the emergency response.

Considerations	• These changes were included in 2019 Act 185, but have expired. This provision would extend the following changes through 2021:
	  o Waiving the 1,040-hour annual limit that a limited term employee may work in a calendar year, and
	  o Allowing a state employee to take annual leave during the first six month of employment.

REDUCING THE COST OF CRITICAL HEALTHCARE SERVICES AND ADDRESSING DISPARITIES

BILL PROVISION: Ensure that health plans provide coverage for testing, diagnosis, treatment, prescriptions, and vaccines related to COVID-19. **Agency**: Office of the Commissioner of Insurance **Fiscal:** No appropriation.	
Issue	The recently enacted federal bill, the Families First Coronavirus Response Act, provides that insurers cover testing and screening related to COVID-19. Additionally, 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. Uncertainty around coverage of treatment, including prescription medicines, following the testing and diagnosis of COVID-19 disincentivizes individuals from obtaining testing, risking public health and safety and harming the collective effort to reduce the spread of the virus.
Considerations	• A recent study found that Americans were avoiding the use of health care services, even if they had insurance, out of fear for the financial implications. • Requiring coverage for COVID-19 related services provides certainty to consumers and enhances our collective ability to identify and treat affected individuals and reduce spread.

<table>
<tr><td colspan="2">BILL PROVISION: Prohibit cost-sharing and prior authorization for testing, diagnosis, treatment, prescriptions, and vaccines related to COVID-19.
Agency: Office of the Commissioner of Insurance
Fiscal: No appropriation.</td></tr>
<tr><td>Issue</td><td>The recently enacted federal bill, the Families First Coronavirus Response Act, prohibits cost-sharing for testing and screening related to COVID-19. Eventual treatment associated with COVID-19 can produce significant costs for affected individuals, disincentivizing individuals from seeking medical care, further exacerbating the economic challenges individuals are experiencing during the pandemic, all of which harm the collective effort to control the spread of the virus.</td></tr>
<tr><td>Considerations</td><td>• Estimates from Kaiser Family Foundation (KFF) suggest that the cost of inpatient admissions for COVID-19 treatment range from approximately $10,000 to $20,000.
• Also according to KFF, individuals with employer coverage who are admitted for COVID-19 treatment could face out-of-pocket costs exceeding $1,300.
• A recent study found that Americans were avoiding the use of health care services, even if they had insurance, out of fear for the financial implications.
• Additionally, the KFF notes that other states have taken this action, to reduce out of pocket costs for COVID-19 victims requiring treatment.
• This bill prohibits cost-sharing for medical services related to COVID-19 in order to strengthen the public health response to the pandemic and minimize the additional financial harm that COVID-19 victims may face.</td></tr>
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<tr><td colspan="2">BILL PROVISION: Establish that insurers will reimburse providers for out-of-network care (including telehealth) resulting from COVID-19 related disruptions at 250% of Medicare rates.
Agency: Office of the Commissioner of Insurance
Fiscal: No appropriation.</td></tr>
<tr><td>Issue</td><td>The healthcare system is experiencing capacity issues as it attempts to respond to the pandemic. As a result, care that is both related and unrelated to COVID-19 may be routed to an out-of-network provider. Consumer protection measures, as well as a payment remedy, are necessary to ensure that healthcare remains accessible and affordable during a pandemic.</td></tr>
<tr><td>Considerations</td><td>• Data on pneumonia treatment analogous to in-patient admissions for COVID-19 suggest that between 15–20 percent of patients are likely to receive a surprise bill following an in-network admission.
• Some health insurance companies have indicated they will not charge higher cost-sharing for people who inadvertently receive out-of-network care, however, only providers would be in a position to stop balance bills.
• This provision applies to any service, treatment or supply that is related to diagnosis or treatment for the condition related to COVID-19 and that is provided by an out-of-network provider.
• The provision would also apply if the preferred provider network is unavailable due to the pandemic and an individual is referred to an out-of-network provider for treatment of any condition.</td></tr>
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<tr><td>BILL PROVISION: Allow critical workers, including healthcare workers, to claim worker’s compensation benefits related to COVID-19, presuming that they received the illness from their occupation.</td></tr>
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Agency: Department of Workforce Development **Fiscal:** No appropriation.	
Issue	Generally, communicable diseases generally are not compensable under worker's compensation and compensation is limited to diseases that are the result of long-term exposure to a condition of employment.
Considerations	• Critical workers, as determined by DHS, are placing themselves in danger by continuing to engage with the public in various ways to maintain services, at the risk of contracting COVID-19 themselves. • As critical workers are in contact with the general frequently, a presumption of a work-related illness in their favor is appropriate. • This provision does not include language from 2019 Act 185 that required employees to show they had been exposed to persons with confirmed cases of COVID-19 in the course of employment.

REDUCING SPREAD OF COVID-19 BY HELPING WISCONSINITES STAY HOME

BILL PROVISION: Waive in-person appearance requirements through the end of 2021. **Agency**: Enterprise-wide **Fiscal:** No appropriation.	
Issue	Statutory relief is necessary in order to provide flexibility to allow people to appear remotely where they would otherwise be required to appear in person is a common sense way to reduce unnecessary face-to-face interactions.
Considerations	• Face-to-face interactions present additional opportunities for exposure to and spread of the virus, which will hinder the state's ability to swiftly address the emergency and will prolong the harm caused by the virus. • This provision enhances the state's response to the pandemic by allowing for the waiving of certain in-person requirements that may increase the public health risk.

BILL PROVISION: Allow online notaries to perform online notarization of estate planning documents (such as wills and trusts) through the end of 2021. **Agency**: Department of Financial Institutions **Fiscal:** No appropriation.	
Issue	Due to the COVID-19 pandemic, in-person appointments with notaries may not be feasible or safe.
Considerations	• This would afford Wisconsinites who want to do estate planning during the pandemic the ability to do so remotely.

PROVIDING ECONOMIC PROTECTION AND SUPPORT

BILL PROVISION: Allow DHS to issue an order prohibiting evictions and foreclosures through 2021. **Agency**: Department of Agriculture, Trade, and Consumer Protection **Fiscal:** No appropriation.	
Issue	Action is needed to ensure housing security for Wisconsinites that lose their jobs or suffer financial hardship as a result of the COVID-19 pandemic and to assist Wisconsin businesses struggling to stay afloat.
Considerations	• Under this provision, DHS may issue an order prohibiting the commencement of any action for eviction under chs. 704 and 799 or for foreclosure under ch. 846 through 2021. • An order issued under this subsection may be applicable statewide or may be geographically limited.

BILL PROVISION: Authority to waive interest, penalties or payments on governmental loans and debt through the end of 2021. **Agency**: Department of Administration **Fiscal:** No appropriation.	
Issue	Given the unprecedented economic disruption created by the COVID-19 pandemic, it is important that state and local officials have the ability to waive interest, penalties and payments on loans through the end of 2021.
Considerations	• This provision is consistent with the recommendation that the appropriate agency head be allowed to waive in-person requirements and deadlines or specific statutory timelines that occur during the pandemic. • This provision is designed to help cushion the economic blow that many Wisconsin residents are currently facing. • It would not apply to debt service payments that are required to be made at the state or local level.

BILL PROVISION: Suspend the one-week waiting period for unemployment insurance through the end of 2021. **Agency:** Department of Workforce Development **Fiscal:** No appropriation.	
Issue	The state has experienced an unprecedented increase in the number of unemployment claims within a very short time frame due to the pandemic – allowing individuals to receive their UI benefit immediately will ensure financial stability for claimants and the economy.
Considerations	• Under the Families First Coronavirus Response Act, states were required to temporarily suspend waiting week requirements to receive federal matching for the first week of Extended Benefits and emergency administrative grants. • While Wisconsin temporarily suspended this requirement under Act 185, it is clear this crisis will not be over by February and should be extended through the end of 2021. • Eliminating the one-week waiting period helps not only the claimants, but also local businesses through the purchase of goods and services, landlords who may not otherwise receive a rent check but must continue to pay for upkeep and utilities, and local banks who service loans.

BILL PROVISION: Create a solution for the issue created by 2019 Act 185 by allowing funds to be transferred into the Interest and Penalties (I&P) Appropriation. **Agency:** Department of Workforce Development **Fiscal:** No appropriation.	
Issue	The I&P appropriation is currently showing a deficit due to the way benefit payments were structured under 2019 Act 185.
Considerations	• 2019 Act 185 funneled money from this appropriation to support benefit payments in a way where the claims are projected to exceed the cash available. • Due to 2019 Act 185, additional legislative changes are needed to resolve the deficit as the administration is not able to transfer funds to the I&P appropriation. • Had the Legislature adopted the Governor's original COVID-19 legislative proposal, there would have been no effect on the I&P appropriation and the cash balance would not have drawn down above and beyond what was available to pay benefits. The Governor's proposal would have lessened the impact of COVID-19 job losses on employers while avoiding the current problem. • Legislative Republicans were aware that DWD had concerns about the way the payments out of the I&P appropriation were modeled.

BILL PROVISION: Waive certain parameters related to the Work-Share program through the end of 2021. **Agency:** Department of Workforce Development **Fiscal:** No appropriation	
Issue	There has been increased interest in the Work-Share program due to the pandemic.

Considerations	• The Work-Share program helps employers avoid layoffs by allowing workers to remain employed and employers to retain staff during times of reduced business activity.
	• Specifically, this provision would waive the following requirements:
	  ○ The requirement that the reduction in working hours under a work-share program must be at least 10% but not more than 50%.
	  ○ The requirement that at least 10% of the employees in a work unit be included.
	  ○ The requirement that the employer provide for initial coverage of at least 20 positions.
	• Additionally, this provision permanently extends the ability of Work-Share plans to be in place from 6 months to 12 months.
	• While certain Work-Share provisions were waived through the end of 2020 under Act 185, it is clear this crisis will not be over by then and these provisions should be waived through the end of 2021.

BILL PROVISION: Allow DWD to promulgate rules relaxing work search requirements through the end of 2021. **Agency:** Department of Workforce Development **Fiscal:** No appropriation.	
Issue	Under current law, DWD has the limited ability to waive these requirements if it is specifically allowed under federal law. DWD promulgated an emergency rule that temporarily relaxed work search requirements, but it will expire before the conclusion of the pandemic.
Considerations	• The current emergency rule aligns with federal law, which allows states to waive COVID-19 work search requirements during the pandemic.

	• While DWD received an extension on the emergency rule and can request a second extension, the pandemic will outlast the emergency rule. • Requiring claimants to contact employers to search for work puts an unnecessary burden on employers (especially small ones) during this time of high stress. • Some industries, such as food service, hospitality, tourism, and retail, have been particularly hard hit by the pandemic and it appears that there are few, if any, job opportunities in those and other sectors. • Although Job Center services are available virtually and by phone, claimants do not have physical access to the Job Centers or other facilities that provide internet access to assist with work search actions. • Relaxing this requirement has led to a decreased number of claims being held for adjudication. DWD estimates that if work search requirements are reinstated, 10,000-15,000 benefit claims may be held in adjudication for non-compliance.

BILL PROVISION: Allow social security disability (SSDI) recipients to receive concurrent unemployment insurance benefits. **Agency**: Department of Workforce Development **Fiscal:** No appropriation.	
Issue	Current law disqualifies a claimant who is receiving social security disability insurance (SSDI) benefits from receiving UI in any given week. This disqualification has become even more problematic during the pandemic.
Considerations	• Wisconsin is one of only two states that prevent people with disabilities who are able to work from receiving unemployment benefits. • The SSDI program encourages participants to work as much as they are able. • Approximately 175,000 Wisconsinites supplement their income with SSDI. • This provision would help some of Wisconsin's most vulnerable workers.

CREATING FLEXIBILITY TO SUPPORT KIDS & FAMILIES

BILL PROVISION: Waive student assessments and school report card requirements for the 2020-21 school year. **Agency:** Department of Public Instruction **Fiscal:** No appropriation.	
Issue	K-12 schools are on the frontline of adapting to rapidly changing circumstances during the pandemic. They need flexibility in the face requirements that do not contemplate the magnitude of the pandemic.
Considerations	• Waiving these requirements reduces the burden on schools that are devoting time to adapting their instruction and function as they move between in-person and virtual learning. • Student assessments create a unique challenge and likely cannot be administered safely and uniformly. It follows that school report cards should also be suspended. • Federal requirements related to assessments remain in effect for the 2020-21 school year, but this provision provides flexibility if those requirements are waived at the federal level.

BILL PROVISION: Allow rehiring of retired annuitants and ability to reinstate licensure (including people in the last 5 years and people from out of state) through the end of 2021. **Agency:** Employee Trust Funds **Fiscal:** No appropriation.	
Issue	Statutory relief is necessary in order to support the COVID-19 response efforts of state and local governments by ensuring that experienced staff can be quickly rehired and deployed to in-need areas.
Considerations	• This provision reduces the waiting period for a WRS participant who has applied to receive a retirement annuity must wait between terminating covered employment with a WRS employer and returning to WRS-covered employment from 75 days to 15 days. • This reduced waiting period, which is in effect only through the end of 2021, applies to participants rehired into classifications deemed as important to the COVID-19 response efforts, as determined by hiring state agencies and local government public health officials. • School districts in particular need flexibility to rehire retired teachers as they move between in-person and virtual learning during the pandemic. This flexibility will allow districts to provide smaller class sizes and virtual classes.