



Wisconsin Office of the  
**COMMISSIONER**  
**OF INSURANCE**

2023 AB 43 (LRB-1948/1)

Tony Evers, Governor of Wisconsin  
Nathan Houdek, Commissioner of Insurance

March 2, 2023

Mr. Michael J. Queensland  
Senate Chief Clerk  
State Capitol  
P.O. Box 7882  
Madison, WI 53707

Mr. Ted Blazel  
Assembly Chief Clerk  
17 West Main Street  
Room 401  
Madison, WI 53703

**Re: Social and Financial Impact Report—2023 Senate Bill 70 and Assembly Bill 43—Relating to state finances and appropriations, constituting the executive budget act of the 2023 legislature.**

Dear Chief Clerks Queensland and Blazel:

Pursuant to Wis. Stat. § 601.423, the Office of the Commissioner of Insurance (OCI) is submitting a social and financial impact report on 2023 Senate Bill 70 and Assembly Bill 43 relating to state finances and appropriations, constituting the executive budget act of the 2023 legislature.

### **OCI Budget Provisions**

OCI has determined that 2023 Senate Bill 70 and Assembly 43 sections 3054, 3055, and 3057 (Qualified treatment trainee coverage, Substance abuse counselor coverage, and Coverage of infertility services) in the proposed budget bill requires a social and financial impact report for the following reasons:

1. The provision requires coverage of a particular treatment, equipment, or drug.
2. Requires a particular benefit design or imposes conditions on cost-sharing under an insurance policy, plan, or contract for the treatment of a particular disease, condition, or other health care need, for a particular type of health care treatment or service, or for the provision of equipment, supplies, or drugs used in connection with a health care treatment or service.

### **Social Impact**

OCI has reviewed the provisions contained in 2023 Senate Bill 70 and Assembly 43 sections 3054, 3055, and 3057. Section 3054 of the budget bill would prohibit any health insurance plan from excluding coverage for mental health or behavioral health treatment or services provided by a qualified treatment trainee within the scope of the qualified treatment trainee's education and training if the health insurance plan covers the mental health or behavioral health treatment or services when provided by another health care provider. "Qualified treatment trainee" is defined under current law to mean either a graduate student who is enrolled in an accredited institution in psychology, counseling, marriage and family therapy, social work, nursing, or a closely related field, or a person with a graduate degree from an accredited institution and course work in psychology, counseling, marriage and family therapy, social work, nursing, or a closely related field who has not yet completed the applicable supervised practice requirements described under the administrative code.

Section 3055 of the budget bill would prohibit any health insurance plan from excluding coverage for alcoholism or other drug abuse treatment or services provided by a certified substance abuse counselor

within the scope of the substance abuse counselor's education and training if the health insurance plan covers the alcoholism or other drug abuse treatment or services when provided by another health care provider. "Substance abuse counselor" is defined under current law to mean a substance abuse counselor-in-training, a substance abuse counselor, or a clinical substance abuse counselor.

Section 3057 of the budget bill requires health insurance plans regulated by OCI to cover the diagnosis of and treatment for infertility and standard fertility preservation services. Coverage must include at least four completed egg retrievals with unlimited embryo transfers, in accordance with certain guidelines, and single embryo transfer is allowed when recommended and medically appropriate. Policies and plans are prohibited from imposing an exclusion, limitation, or other restriction on coverage of medications of which the new mandate requires coverage that is not imposed on any other prescription medications covered under the policy or plan. Similarly, policies and plans may not impose any exclusion, limitation, cost-sharing requirement, benefit maximum, waiting period, or other restriction on diagnosis, treatment, or services for which coverage is required under the new mandate that is different from any exclusion, limitation, cost-sharing requirement, benefit maximum, waiting period, or other restriction imposed on benefits for other services. Also, policies and plans may not impose an exclusion, limitation, or other restriction on diagnosis, treatment, or services for which coverage is required under the new mandate on the basis that an insured person participates in fertility services provided by or to a third party.

OCI is unable to definitively determine how many residents could benefit from these proposed mandated coverages. Further, the availability of insurance coverage for consumers without these health insurance provisions is indeterminate.

### **Financial Impact**

OCI is unable to determine what the financial impact on insurers if any, the newly proposed Executive Budget Bill's provisions will be.

OCI is unable to determine at this time whether the newly proposed provisions (Qualified treatment trainee coverage, Substance abuse counselor coverage, and Coverage of infertility services) would provide more expansive benefits than are currently provided. Therefore, OCI cannot determine whether or not there would be an additional cost for the proposed additions and modifications to insurers.

OCI is unable to determine the extent to which these additional mandates could increase administrative and claims costs or how the proposed requirements on insurers may impact premium costs to consumers and employers.

Please contact Sarah Smith at (608) 209-6309 or [Sarah.Smith2@wisconsin.gov](mailto:Sarah.Smith2@wisconsin.gov) if you have any questions.

Respectfully submitted,



Nathan Houdek  
Commissioner

Cc: The Honorable Tony Evers, Governor of Wisconsin