



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-2041/1  
TJD:cjs

## 2021 BILL

1     **AN ACT** *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983  
2           (1) (intro.); and *to create* 609.719 and 632.871 of the statutes; **relating to:**  
3           coverage of telehealth services by health insurance policies and plans and  
4           granting rule-making authority.

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***Analysis by the Legislative Reference Bureau***

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

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

5           **SECTION 1.** 40.51 (8) of the statutes, as affected by 2021 Wisconsin Act 9, is  
6           amended to read:

**BILL****SECTION 1**

1           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
2 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.729, 632.746  
3 (1) to (8) and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853,  
4 632.855, 632.861, 632.867, 632.87 (3) to (6), 632.871, 632.885, 632.89, 632.895 (5m)  
5 and (8) to (17), and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes, as affected by 2021 Wisconsin Act 9, is  
7 amended to read:

8           40.51 (8m) Every health care coverage plan offered by the group insurance  
9 board under sub. (7) shall comply with ss. 631.95, 632.729, 632.746 (1) to (8) and (10),  
10 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.861,  
11 632.867, 632.871, 632.885, 632.89, and 632.895 (11) to (17).

12           **SECTION 3.** 66.0137 (4) of the statutes, as affected by 2021 Wisconsin Act 9, is  
13 amended to read:

14           66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
15 a village provides health care benefits under its home rule power, or if a town  
16 provides health care benefits, to its officers and employees on a self-insured basis,  
17 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
18 632.729, 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855,  
19 632.861, 632.867, 632.87 (4) to (6), 632.871, 632.885, 632.89, 632.895 (9) to (17),  
20 632.896, and 767.513 (4).

21           **SECTION 4.** 120.13 (2) (g) of the statutes, as affected by 2021 Wisconsin Act 9,  
22 is amended to read:

23           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
24 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.729, 632.746 (10) (a) 2. and (b) 2.,

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1 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (4) to (6),  
2 632.871, 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

3 **SECTION 5.** 185.983 (1) (intro.) of the statutes, as affected by 2021 Wisconsin  
4 Act 9, is amended to read:

5 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a  
6 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to  
7 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,  
8 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,  
9 631.95, 632.72 (2), 632.729, 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798,  
10 632.85, 632.853, 632.855, 632.861, 632.867, 632.87 (2) to (6), 632.871, 632.885,  
11 632.89, 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630,  
12 635, 645, and 646, but the sponsoring association shall:

13 **SECTION 6.** 609.719 of the statutes is created to read:

14 **609.719 Telehealth services.** Limited service health organizations,  
15 preferred provider plans, and defined network plans are subject to s. 632.871.

16 **SECTION 7.** 632.871 of the statutes is created to read:

17 **632.871 Telehealth services. (1) DEFINITIONS.** In this section:

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

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

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

24 **(2) COVERAGE DENIAL PROHIBITED.** No disability insurance policy or self-insured  
25 health plan may deny coverage for a treatment or service provided through

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**SECTION 7**

1 telehealth if that treatment or service is covered by the policy or plan when provided  
2 in person by a health care provider.

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

5 **SECTION 8. Effective date.**

6 (1) This act takes effect on January 1, 2022, or on the day after publication,  
7 whichever is later.

8 (END)