



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,



John Murray  
Executive Director