



January 14, 2019

Representative Sanfelippo (Chair)  
Assembly Committee on Health  
Wisconsin State Capitol, Room 314 N  
Madison, WI 53708

Dear Rep. Sanfelippo and Committee members:

Thank you for the opportunity to provide testimony on Assembly Bill 1 (AB 1).

Protections for people with pre-existing conditions are important to people with disabilities and their families. Prior to the passage of the Affordable Care Act (ACA) many people with disabilities faced discrimination because of their disabilities and pre-existing health conditions which resulted in:

- Insurance companies excluding people with pre-existing conditions from purchasing insurance coverage
- Disproportionally higher premiums, co-pays, and deductibles for people with pre-existing conditions
- Denial of coverage and/or certain medications because of certain medical conditions
- Lack of guaranteed coverage for habilitative, therapy, prescription and other services needed to manage a pre-existing condition or maintain or gain new abilities
- Denial of claims because of the presence of a disability or pre-existing condition
- Loss of insurance coverage when annual or lifetime caps on coverage were reached

AB 1 provides limited protections on two of the above concerns for people with pre-existing conditions who are purchasing private insurance or marketplace plans. The bill does prevent insurance companies from excluding an individual from coverage based on the existence of a pre-existing condition(s) and from denying claims on the basis that the claim is the result of a pre-existing condition.

AB 1 does not address other concerns of people with pre-existing conditions, including protection from disproportionately higher premiums/co-pays/deductibles, annual or lifetime caps on coverage, and guaranteed coverage of services and medications. This bill does not require plans to cover the 10 essential health benefits as currently required by the ACA. Many people with disabilities rely on coverage of the required essential benefits in order to manage their pre-existing conditions. All of these interlocking parts—currently required under the ACA—are needed to protect people with pre-existing conditions.

The population impacted by this bill is narrow; it is limited to those who are purchasing private insurance or marketplace plans. BPDD recognizes that the state legislature does not have authority to regulate most employer-sponsored private health insurance plans, which provide coverage for 50% of the market. People

insured under employer sponsored plans are reliant on the interlocking policies within the Affordable Care Act (ACA) remaining intact in order to retain protection for pre-existing conditions.

Incomplete protection for a small group of people is still an improvement over no protections, should the ACA be repealed in full. However, BPDD finds that comprehensive protection of people with pre-existing conditions will not be realized upon passage of this bill. Important protections against discriminatory pricing and coverage gaps—even for the narrow population to which this bill applies—remain unresolved. Modification of this bill is necessary to address all of the elements that are needed to offer the same level of protection for people with pre-existing conditions as afforded under the current ACA.

BPDD is charged under the federal Developmental Disabilities Assistance and Bill of Rights Act with advocacy, capacity building, and systems change to improve self-determination, independence, productivity, and integration and inclusion in all facets of community life for people with developmental disabilities (more about BPDD [https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative\\_Overview\\_BPDD.pdf](https://wi-bpdd.org/wp-content/uploads/2018/08/Legislative_Overview_BPDD.pdf)).

Our role is to seek continuous improvement across all systems—education, transportation, health care, employment, etc.—that touch the lives of people with disabilities. Our work requires us to have a long-term vision of public policy that not only sees current systems as they are, but how these systems could be made better for current and future generations of people with disabilities.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Beth Swedeen".

Beth Swedeen, Executive Director  
Wisconsin Board for People with Developmental Disabilities