



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 05-099

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated January 2005.]

2. Form, Style and Placement in Administrative Code

a. Item 9. of the analysis indicates that there are no small businesses regulated by the Office of the Commissioner of Insurance (OCI) that offer small employer group health insurance and, therefore, there will be no “direct” effect on “regulated” small businesses.

However, s. 227.114, Stats., relates to the effect on all small businesses, not just small businesses that are directly regulated by an agency.

It appears that the agencies with which some insurance agents work may be small businesses under s. 227.114, Stats. It appears that agents who write small employer group health insurance plans will have to spend an amount of time (albeit perhaps small) understanding the changes in the form, procuring the revised form to provide to small employers, and perhaps revising some of their promotional materials. If so, there should be acknowledgement of this effect. Also, small employers that may be small businesses under s. 227.114, Stats., will, as a practical matter, have to begin using the new application form which may involve some incidental activities for them. It appears that some acknowledgement of this should be included in item 9. of the analysis, rather than focusing on small businesses that are regulated by OCI.

Also, item 11. of the analysis indicates that the rule does not impose any additional requirements on small businesses. Since an effect can be felt in the absence of a requirement, this item could be changed to be consistent with any changes in item 9.

b. In the last line of Section V. of Appendix 1, the signature of the spouse for a waiver of health insurance coverage is overstricken and will no longer be required. This appears to be a very significant change that should be noted in the analysis.

Also, it is noted that, in comparison, the signature of the spouse for a waiver of non-health insurance coverage continues to be required under Section IX., F. Is this difference intended?

c. SECTION 2 indicates that “this section may be enforced” under various statutes. However, as currently structured, SECTION 2 will not be included in the administrative code. If the intention is to have it included, it should be revised (to avoid reference to “this section”) and assigned a number in the administrative code. If the intention is not to have it included and it is being provided for informational purposes, the information should be included as part of the analysis, not part of the proposed order.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In the Notice of Rulemaking Hearing, the website address should begin “http://” instead of “https://”.

b. In the first sentence of the first paragraph of item 5. of the analysis, it appears that “persons who after a qualifying event permits the employee the option” should be changed to “persons who after a qualifying event are permitted the option.”

c. In the last sentence of the first paragraph of item 5. of the analysis, it appears that “reference of Medicare” should be changed to “reference to Medicare.”

d. In item 8 of the analysis, should the reference to “January 1, 2005” be changed to “January 1, 2006”?

e. In the bottom left hand corner of the form in Appendix 1, the notation “(R 2/2004)” appears. If this is supposed to reflect the date the new form will be issued, it should be changed.

f. In Section III. b) of Appendix 1, “who are full-time students” should be changed to “who are is a full-time ~~students~~ student” in order to be consistent with the structure of the remainder of the sentence.

g. In Section III. c) of Appendix 1, “show above” should be changed to “~~show~~ shown above.”

h. In the last sentence of the first paragraph of Section IV. of Appendix 1, “spouse” should be changed to “~~spouse~~ spouse’s.” This comment also applies to the first and second paragraphs of Section III. of the “Authorization to Use and Disclose Protected Health Information” included in Appendix 1.

i. In Section VI. of Appendix 1, the applicant must indicate whether certain persons are covered by Medicare Parts A, B, and D. Should Medicare Part C be added to this inasmuch as an effective date must be given for Medicare Part C further in that section?

j. In the fifth sentence of the second paragraph of Section X. of Appendix 1, it appears that “provided to the insurer” should be changed to “provided ~~to~~ by the insurer” since it is discussing a statement, representation, or information “provided to me.”

k. A period should be included at the end of SECTION 2.