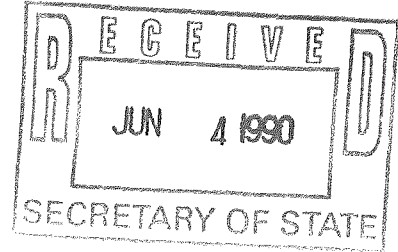


CR 90-57



STATE OF WISCONSIN)
OFFICE OF THE COMMISSIONER OF INSURANCE)

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TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

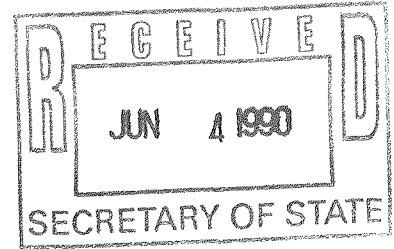
I, Robert D. Haase, Commissioner of Insurance and custodian of the official records of said Office, do hereby certify that the annexed order repealing Ins 17.01 (2) (c); renumbering Ins 17.28 (6m); amending Ins 17.01 (1), (2) (a), (d) and (e) and (3) and 17.28 (6) (intro.), (g), (k) (intro.), (L) (intro.) and (Lm) (intro.); repealing and recreating Ins 17.01 (2) (b); and creating Ins 17.28 (6m) (b), relating to health care provider fees for the patients compensation fund and the mediation system operated by the director of state courts for fiscal year 1990-91 was issued by this Office on June 1, 1990.

I further certify that said copy has been compared by me with the original on file in this Office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 1st day of June, 1990.


Robert D. Haase
Commissioner of Insurance

617R



ORDER OF THE COMMISSIONER OF INSURANCE

REPEALING; RENUMBERING; AMENDING; REPEALING AND RECREATING;

AND CREATING A RULE

To repeal Ins 17.01 (2) (c); to renumber Ins 17.28 (6m); to amend Ins 17.01 (1), (2) (a), (d) and (e) and (3) and 17.28 (6) (intro.), (g), (k) (intro.), (L) (intro.) and (Lm) (intro.); to repeal and recreate Ins 17.01 (2) (b); and to create Ins 17.28 (6m) (b), relating to health care provider fees for the patients compensation fund and the mediation system operated by the director of state courts for fiscal year 1990-91.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 601.41 (3) and 655.004, Stats.

Statutes interpreted: ss. 655.27 (3) (b) and (br) and 655.61, Stats.

This rule incorporates the recommendations of the board of governors of the patients compensation fund (fund) for the fees that health care providers participating in the fund must pay for the fiscal year beginning July 1, 1990.

The rule decreases the fund fee for part-time physicians with an office practice only and no hospital admissions from \$1,543 to \$643. The decrease is based on an actuarial review of the risk presented by this class of health care provider. Fees for all other providers will remain the same as those in effect for the 1989-90 fiscal year.

The rule also specifies the date to be used in reporting certain information to the fund for purposes of determining annual fees.

This rule also establishes the annual fees which the commissioner of insurance must collect for the operation of the medical malpractice mediation system operated by the director of state courts. Physicians other than residents will be charged \$40 and hospitals, \$2 per occupied bed.

SECTION 1. Ins 17.01 (1) and (2) (a) are amended to read:

Ins 17.01 (1) PURPOSE. This ~~rule~~ section implements ~~the provisions of ch. s. 655.61 (2), Stats., relating to the payment of mediation fund fees.~~

(2) (a) ~~Every~~ Each physician ~~practicing in the state,~~ subject to ch. 655, Stats., ~~excluding those in a residency or fellowship training program except a resident,~~ and ~~every~~ each hospital ~~operating in the state,~~ subject to ch. 655, Stats., shall pay to the commissioner ~~of insurance~~ an annual fee to finance the mediation system created by s. 655.42, Stats. ~~The commissioner of insurance shall deposit all such fees collected in the mediation fund created by s. 655.68, Stats.~~

SECTION 2. Ins 17.01 (2) (b) is repealed and recreated to read:

Ins 17.01 (2) (b) The fund shall bill a physician or hospital subject to this section under s. Ins 17.28 (7) (a). The entire annual fee under this section is due and payable 30 days after the fund mails the bill.

SECTION 3. Ins 17.01 (2) (c) is repealed.

SECTION 4. Ins 17.01 (2) (d) and (e) and (3) are amended to read:

Ins 17.01 (2) (d) The ~~commissioner~~ fund shall notify the ~~department of regulation and licensing~~ medical examining board of each physician who has not paid the fee, ~~and who is, therefore, in noncompliance with s. 655.61 (1), Stats~~ as required under par. (b).

(e) The ~~commissioner~~ fund shall notify the department of health and social services of each hospital which has not paid the fee, ~~and which is, therefore, in noncompliance with s. 655.61(1), Stats~~ as required under par. (b).

(3) FEE SCHEDULE. The following fee schedule shall be effective July 1, ~~1987~~1990:

(a) For physicians -- \$-0- \$40.00

(b) For hospitals, per occupied bed -- \$-0- \$ 2.00

SECTION 5. Ins 17.28 (6) (intro.), (g), (k) (intro.), (L) (intro.) and (Lm) (intro.) are amended to read:

Ins 17.28 (6) FEE SCHEDULE (intro.) The following fee schedule shall be effective from July 1, ~~1989~~1990 to June 30, ~~1990~~1991:

(g) For ~~retired or a part-time physicians and surgeons~~ physician with an office practice only and no hospital admissions who practice practices less than 500 hours per in a fiscal year: \$~~1,543~~ \$643

(k) (intro.) For ~~partnerships~~ a partnership comprised of physicians or nurse anesthetists, whichever of the following is applicable:

(L) (intro.) For ~~corporations~~ a corporation organized under ch. 180, Stats., providing the medical services of physicians or nurse anesthetists, whichever of the following is applicable:

(Lm) (intro.) For ~~corporations~~ a corporation organized under ch. 181, Stats., providing the medical services of physicians or nurse anesthetists, whichever of the following is applicable:

SECTION 6. Ins 17.28 (6m) is renumbered Ins 17.28 (6m) (a).

SECTION 7. Ins 17.28 (6m) (b) is created to read:

Ins 17.28 (6m) (b) For purposes of sub. (6) (k), (L) and (Lm), a partnership or corporation shall report the number of partners, shareholders

and employed physicians and nurse anesthetists on July 1 of the previous fiscal year.

SECTION 8. EFFECTIVE DATE. This rule takes effect on the first day of the first month beginning after publication, as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 1st day of June, 1990.



Robert D. Haase
Commissioner of Insurance