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STATE OF WISCONSIN)
)
OFFICE OF THE COMMISSIONER OF INSURANCE)

I, Robert D. Haase, Commissioner of Insurance and custodian of the official records of this Office, certify that the attached rule-making order affecting ss. Ins 17.01, 17.28, and 17.35, Wis. Adm. Code, relating to patients compensation fund fees and mediation fees for fiscal year 1991-92, classification of anesthesiologists and policies issued by risk retentions groups, was issued by this Office on May 22, 1991.

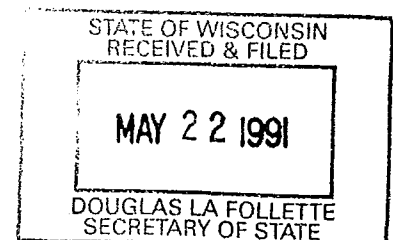
I further certify that I have compared this copy with the original on file in this Office and that it is a true copy of the whole of the original.

Dated at Madison, Wisconsin, this 22 day of May 1991.



Robert D. Haase
Commissioner of Insurance

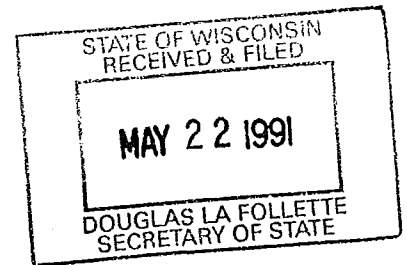
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ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE
AND OF THE BOARD OF GOVERNORS OF THE PATIENTS COMPENSATION FUND
AMENDING AND CREATING A RULE

To amend Ins 17.01 (3) (intro.) and 17.28 (3) (c) 2 and 3 and (6) (intro.) and to create Ins 17.35 (2m), relating to patients compensation fund fees and mediation fees for fiscal year 1991-92, classification of anesthesiologists and policies issued by risk retention groups.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 601.41 (3), 655.004, 655.27 (3) (b), and 655.61 (1), Stats.

Statutes Interpreted: 631.20, 655.24, 655.27 (3) (b) and (br) and 655.61 (1), Stats.

This rule establishes the annual fees that health care providers participating in the patients compensation fund (fund) must pay for fiscal year 1991-92. These fees were approved by the board of governors of the fund at its meeting on February 20, 1991. Based on the recommendations of the fund's actuaries, the fees for all classes of health care providers will remain the same as the fees charged for fiscal year 1990-91. The fees collected for the operation of the mediation system operated by the director of state courts also remain unchanged.

The board of governors recommends a change in the classification of anesthesiologists from fund Class 3 to fund Class 2, based on continued improvement in the claims experience of this speciality group. This rule incorporates that recommendation, resulting in a reduction of an anesthesiologist's annual fee from \$12,854 to \$5,142.

The rule also requires any risk retention group that markets medical malpractice insurance to fund participants to place a notice on its application form notifying the applicant that the Wisconsin insurance security fund is not available to pay claims if the group becomes insolvent, and, in that event, the provider will be personally liable for paying claims up to the statutory limits of liability (currently \$400,000 per claim/\$1,000,000 annual aggregate).

SECTION 1. Ins 17.01 (3) (intro.) is amended to read:

Ins 17.01 (3) FEE SCHEDULE. The following fee schedule shall be effective July 1, 1990 1991:

SECTION 2. Ins 17.28 (3) (c) 2 and 3 and (6) (intro.) are amended to read:

17.28 (3) (c) 2. Class 2:

Anesthesiology - applicable to all
physicians who perform general
anesthesia or acupuncture anesthesia
Broncho-esophagology
Cardiology - including catheter-
ization, but not including cardiac
surgery
Cardiovascular disease - minor surgery
Dermatology - minor surgery
Diabetes - minor surgery

Internal medicine- minor surgery
Laryngology - minor surgery
Neoplastic diseases- minor surgery
Nephrology - minor surgery
Neurology - including child - minor
surgery
Ophthalmology - minor surgery
Otology - minor surgery
Otorhinolaryngology - minor surgery
Pathology - minor surgery

Emergency medicine - no major surgery
- applicable to any family or general practitioner or other specialist primarily engaged in emergency practice at a clinic, hospital or other facility who does not perform major surgery.

Endocrinology - minor surgery

Family practice and general practice - minor surgery - no obstetrics

Family practice or general practice - including obstetrics

Gastroenterology - minor surgery

Geriatrics - minor surgery

Gynecology - minor surgery

Hematology - minor surgery

Infectious diseases - minor surgery

Intensive care medicine - applicable to any family or general practitioner or other specialist employed in an intensive care hospital unit.

Pediatrics - minor surgery

Physicians - minor surgery

Radiology - diagnostic - minor surgery

Rhinology - minor surgery

Surgery - colon and rectal

Surgery - endocrinology

Surgery - gastroenterology

Surgery - general practice or family practice - not primarily engaged in major surgery

Surgery - geriatrics

Surgery - neoplastic

Surgery - nephrology

Surgery - ophthalmology

Surgery - urological

Urgent care - practice in urgent care, walk-in or after hours facility

3. Class 3:

~~Anesthesiology-applicable-to-all-~~

~~-providers-who-perform-general~~

~~-anesthesia-or~~

~~-acupuncture-anesthesia~~

Emergency medicine - including major surgery

General surgery - as a specialty

Surgery - abdominal

Surgery - cardiac

Surgery - cardiovascular disease

Surgery - gynecology

Surgery - hand

Surgery - head and neck

Surgery - laryngology

Surgery - orthopedic

Surgery - otology

Surgery - otorhinolaryngology

- no plastic surgery

Surgery - plastic

Surgery - plastic -
otorhinolaryngology

Surgery - rhinology

Surgery - thoracic

Surgery - traumatic

Surgery - vascular

Weight control - bariatrics

(6) (intro.) The following fee schedule shall be effective from

July 1, 1990 1991, to June 30, 1991 1992:

SECTION 3. Ins 17.35 (2m) is created to read:

Ins 17.35 (2m) RISK RETENTION GROUPS. If the policy is issued by a risk retention group, as defined under s. 600.03 (41e), Stats., each new and renewal application form shall include the following notice in 10-point type:

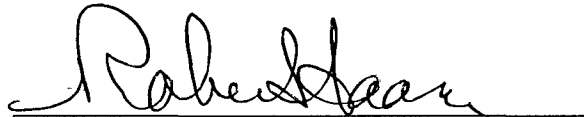
NOTICE

Under the federal liability risk retention act of 1986 (15 U.S.C. ss. 3901 to 3906), the Wisconsin insurance security fund is not available for payment of claims if this risk retention group becomes insolvent. In that event, you will be personally liable for payment of claims up to your limit of liability under s. 655.23 (4), Wis. Stat.

SECTION 4. INITIAL APPLICABILITY. The creation of section Ins 17.35 (2m) by this rule first applies to applications taken on the first day of the 3rd month beginning after the effective date of this rule.

SECTION 5. EFFECTIVE DATE. This rule will take effect on the first day of the first month after publication, as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 22d day of May 1991.



Robert D. Haase
Commissioner of Insurance

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