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# ROGER BRESKE

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## MEMORANDUM

May 28, 1999

TO: Senate Committee on Insurance, Tourism  
Transportation & Corrections  
FR: Senator Roger Breske, Chair  
RE: Proposed Administrative Rule

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Below, please find the description of a proposed administrative rule recently referred to the Senate Committee on Insurance, Tourism, Transportation & Corrections. For your reference, I have included a brief summary of the rule, prepared by the department. If you would like a copy of any of these rules, or if you would like to request a hearing, please contact Vaughn in my office before **Friday, June 18, 1999**.

**CLEARINGHOUSE RULE 99-070; AN ORDER to amend Ins 17.01 (3) (intro.), 17.275 and 17.28 (6a); to repeal and recreate s. Ins 17.28 (6); and to create s. Ins 17.28 (5) (c), relating to annual patients compensation fund and mediation fund fees for the fiscal year beginning July 1, 1999, to affirm open records law and exceptions apply to fund records and to impose a late fee on insurers and self-insurers who are late in filing certificates of insurance.** The Commissioner of Insurance, with the approval of the board of governors of the patients compensation fund, is required to establish by administrative rule the annual fees which participating health care providers must pay to the fund. This rule establishes those fees for the fiscal year beginning July 1, 1999. These fees represent a 7% decrease compared with fees paid for the 1998-99 fiscal year. The board approved these fees at its meeting on March 17, 1999, based on the recommendation of the board's actuarial and underwriting committee. The board is also required to promulgate by rule the annual fees for the operation of the patients compensation mediation system, based on the recommendation of the director of state courts. This rule implements the director's funding level recommendation by establishing mediation panel fees for the next fiscal year at \$16 for physicians and \$1 per occupied bed for hospitals, representing no increase from 1998-99 fiscal year mediation panel fees. This rule provides that open records law and exceptions apply to fund records. This rule imposes a \$100 late fee per week per certificate on insurers or self-insured providers who fail to comply with the format and filing date requirements of Ins. 17.28 (5), Wis. Adm. Code. This late fee is intended to reduce the number of late filings and filings not in compliance with the format specified by the Commissioner.

**For your review, I have also attached a copy of correspondence that I recently received from Secretary Litscher regarding several issues discussed at our May 19<sup>th</sup> hearing.**