

2005 DRAFTING REQUEST

Bill

Received: **01/21/2005**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Curtis Gielow (608) 266-0486**

By/Representing: **John Reinemann**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Insurance - miscellaneous
Courts - civil procedure**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Gielow@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Applicability of health care liability provisions to all provider corporate entities

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 02/02/2005	jdye 02/16/2005		_____			
/1			rschluet 02/16/2005	_____	lnorthro 02/16/2005	lnorthro 02/23/2005	

FE Sent For:

<END>

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Courts - civil procedure

Extra Copies: CMH

Submit via email: YES

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/?	pkahler	1 2/10 jld					

Handwritten notes and signatures in the Drafting History table, including a large signature and the number 2165.

FE Sent For:

<END>

Kahler, Pam

From: Reinemann, John
Sent: Thursday, January 20, 2005 1:28 PM
To: Kahler, Pam
Subject: A new drafting request

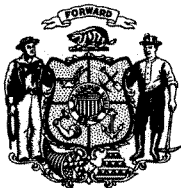
Hi Pam. I was pretty sure I had submitted the following request but now I cannot find it in any of my records and I see it's not listed on the monthly LRB report, so I must not have done so. I'd like to submit it now.

We are aware that OCI has recently notified many physicians that if they are organized as LLCs that the LLC creation statutes (first passed in 1993 session) did not allow physicians incorporated as LLCs to be covered by the Patients Compensation Fund or its successor unit. I have a drafters note that Dick Sweet found for me, written by John Lorence of LRB on 1993 LRB 3884 which asks if this issue should be addressed in a subsequent draft of 3884, but the issue apparently went unresolved at that time and remains so.

We (Rep. Gielow) would like to draft a bill extending PAC coverage (under all the usual and customary terms of participation) to all physicians regardless of organization, be it corporations, LLCs, or whatever.

Please call or email with any questions. Thank you.

John Reinemann
6-0486



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-1830/1

PJK:.....

Jld

~~PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION~~

- 1 AN ACT ^{you cat}; relating to: ✓ provider organizations subject to health care liability
2 requirements.

Analysis by the Legislative Reference Bureau

Under current law, certain health care providers are required to carry health care liability insurance with liability limits of at least \$1,000,000 for each occurrence and at least \$3,000,000 for all occurrences in a policy year. If a medical malpractice claim against a health care provider who is subject to the health care liability insurance requirements exceeds the limits of the provider's health care liability insurance, the injured patients and families compensation fund pays the portion of the claim that exceeds the limits. The injured patients and families compensation fund is funded by assessments paid by the health care providers who are subject to the health care liability requirements.

Health care providers who are ^{currently ✓} subject to the health care liability requirements include physicians, nurse anesthetists, partnerships composed of physicians or nurse anesthetists, corporations that operate for the primary purpose of providing the medical services of physicians or nurse anesthetists, cooperative sickness care associations, and such entities as hospitals, ambulatory surgery centers, and nursing homes whose operations are combined as a single entity with a hospital. This bill adds, as another type of health care provider that is subject to the health care liability requirements, any business entity organized and operated in this state for profit for the primary purpose of providing the medical services of physicians or

nurse anesthetists, including, for example, a firm, a limited liability company, and a joint venture.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 655.001 (7t) ^x of the statutes is amended to read:

2 655.001 (7t) "Health care practitioner" means a health care professional, as
3 defined in s. 180.1901 (1m), who is an employee of a health care provider described
4 in s. 655.002 (1) (d), (e), (em) [✓], or (f) and who has the authority to provide health care
5 services that are not in collaboration with a physician under s. 441.15 (2) (b) or under
6 the direction and supervision of a physician or nurse anesthetist.

History: 1975 c. 37, 79; 1977 c. 26 s. 75; 1977 c. 131; 1977 c. 203 s. 106; Sup. Ct. Order, 88 Wis. 2d xiii (1979); 1979 c. 124, 185, 355; 1983 a. 189 s. 329 (5); 1985 a. 340; 1987 a. 27, 182, 264, 403; 1989 a. 187; 1991 a. 214; 1993 a. 473; 1995 a. 27, s. 126 (19); 1999 a. 22; 2001 a. 52; 2003 a. 111.

7 **SECTION 2.** 655.002 (1) (em) [✓] of the statutes is created to read:

8 655.002 (1) (em) A business entity, as defined in s. 13.62 (5), [✓] not specified under
9 par. (d) or (e) [✓] that is organized and operated in this state for the primary purpose of
10 providing the medical services of physicians or nurse anesthetists.

11 **SECTION 3.** 655.005 (2t) of the statutes is amended to read:

12 655.005 (2t) Subsection (2) does not affect the liability of a health care provider
13 described in s. 655.002 (1) (d), (e), (em) [✓], or (f) for the acts of its employees.

History: 1985 a. 340; 1987 a. 27; Stats. 1987 s. 655.005; 1989 a. 187; 1991 a. 214; 1993 a. 473; 1995 a. 167; 2001 a. 52.

14 **SECTION 4.** 655.23 (5m) of the statutes is amended to read:

15 655.23 (5m) The limits set forth in sub. (4) shall apply to any joint liability of
16 a physician or nurse anesthetist and his or her corporation [✓] or, partnership, or other
17 business entity, as defined in s. 13.62 (5), [✓] under s. 655.002 (1) (d) or, (e), or (em) [✓].

History: 1975 c. 37, 79, 199; 1977 c. 131; 1983 a. 158; 1985 a. 340; 1989 a. 56 s. 259; 1989 a. 187 ss. 14 to 19, 29; 1989 a. 332; 1991 a. 214; 1993 a. 473; 1997 a. 11.

18 **SECTION 5.** 655.27 (3) (a) 4. of the statutes is amended to read:

19 655.27 (3) (a) 4. For a health care provider described in s. 655.002 (1) (d), (e),
20 (em) [✓], or (f), risk factors and past and prospective loss and expense experience

Northrop, Lori

From: Reinemann, John
Sent: Wednesday, February 23, 2005 2:36 PM
To: LRB.Legal
Subject: Draft review: LRB 05-1830/1 Topic: Applicability of health care liability provisions to all provider corporate entities

It has been requested by <Reinemann, John> that the following draft be jacketed for the ASSEMBLY:

Draft review: LRB 05-1830/1 Topic: Applicability of health care liability provisions to all provider corporate entities