

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB675)

Received: **02/22/2010**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Kelda Helen Roys (608) 266-5340**

By/Representing: **Emily McWilliams**

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

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Insurance - other insurance**

Extra Copies: **TKK**

Submit via email: **YES**

Requester's email: **Rep.Roys@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Require nurse-midwives to have coverage under the PCF

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 02/24/2010	jdye 03/01/2010 nmatzke 03/01/2010		_____ _____ _____			
/1			phenry 03/01/2010	_____ _____	mbarman 03/01/2010	mbarman 03/01/2010	
/2	pkahler 03/01/2010	nmatzke 03/01/2010	rschluet 03/01/2010	_____ _____	mbarman 03/01/2010	mbarman 03/01/2010	

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/3	pkahler 03/01/2010	nmatzke 03/01/2010	rschluet 03/01/2010	_____	cduerst 03/01/2010	cduerst 03/01/2010	

FE Sent For:

<END>

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/2	pkahler 03/01/2010	nmatzke 03/01/2010 13 nwn 3/1	rschluet 03/01/2010	_____	mbarman 03/01/2010	mbarman 03/01/2010	

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

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/?	pkahler 02/24/2010	jdyer 03/01/2010 nmatzke 03/01/2010		_____			
/1		1/2 nwn 3/1	phenry 03/01/2010	_____	mbarman 03/01/2010	mbarman 03/01/2010	

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May Contact:

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Subject: Insurance - other insurance

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/?	pkahler	1 ^{nwn} 3/1	3 1 ph	3 1 ph / 1/2			
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FE Sent For:

<END>

trace letter

① physicians and nurse anesthetists

in every instance in ch. 655

⑤

written agreement health care list coverage

with internet coverage

talk to Pat Osborn 235-1697

③

odd up

"advanced practice nurse" to PCF bd

who appoint

when do terms expire may 1st?

②

wake me that all

s. 441.15(5) recognized under 655.002 exclusions are

treat exactly as nurse anesthetists in ch 655

④

when started? for 655 stuff:

60 days after OCI

establishes public rate

fee to fund

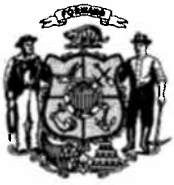
fee amount for PCF coverage

2-23 by phone w/ Pat Osborne

- re. (3) have Wisconsin Nurses Association
name person to board
- re. (4) no need for emergency rule -
just use regular process
- re. (5) to cover gap, keep keep provisions
as is re coverage of nurse-midwives
as employees until the delayed
effective date and the requirement
to participate in the fund kicks in

create a new separate provision in s. 655.27

(3)(b) that allows commission to
set fees for nurse-midwives as a separate
category or ~~is~~ in combination w/ other
categories of health care providers -
as appropriate for risk-pooling
under the fund



jd+nwn

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 675

by 1:00 if possible

SAV
2-24

4

1 At the locations indicated, amend the bill as follows:

2

1. Page 3, line 23: after that line insert:

3

"SECTION 5m. 619.04 (3) of the statutes is amended to read:

4

619.04 (3) The plan shall operate subject to the supervision and approval of a

5

board of governors consisting of 3 representatives of the insurance industry

6

appointed by and to serve at the pleasure of the commissioner, a person to be named

7

by the State Bar Association, a person to be named by the Wisconsin Academy of Trial

8

Lawyers, 2 persons to be named by the Wisconsin Medical Society, a person to be

9

named by the Wisconsin Hospital Association, a person to be named by the Wisconsin

10

Nurses Association, the commissioner or a designated representative employed by

11

the office of the commissioner, and 4 public members at least 2 of whom are not

12

attorneys or physicians and are not professionally affiliated with any hospital or

1 insurance company, appointed by the governor for staggered 3-year terms. The
2 commissioner or the commissioner's representative shall be the chairperson of the
3 board of governors. Board members shall be compensated at the rate of \$50 per diem
4 plus actual and necessary travel expenses."

History: 1975 c. 37, 79, 199; 1977 c. 131; 1977 c. 203 s. 106; 1983 a. 158; 1983 a. 189 s. 329 (5); 1985 a. 340; 1987 a. 27; 1989 a. 187; 1991 a. 214, 315; 2003 a. 111.

5 **2.** Page 4, line 6: after that line insert:

6 "SECTION 6m. 655.001 (7t) (a) of the statutes, as affected by 2009 Wisconsin Act
7 (this act), is renumbered 655.001 (7t) and amended to read:

8 **655.001 (7t)** ~~Except as provided in par. (b), "health~~ "Heath care practitioner"
9 means a health care professional, as defined in s. 180.1901 (1m), who is an employee
10 of a health care provider described in s. 655.002 (1) (d), (e), (em), or (f) and who has
11 the authority to provide health care services that are not under the direction and
12 supervision of a physician or nurse anesthetist, or nurse-midwife."

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. 9126 (19); 1999 a. 22; 2001 a. 52; 2003 a. 111; 2005 a. 36, 51; 2007 a. 20 s. 9121 (6) (a).

13 **3.** Page 4, line 8: delete the material beginning with "person" and ending with
14 "s. 441.15" on line 9 and substitute "nurse-midwife".

15 **4.** Page 4, line 9: after that line insert:

16 "SECTION 7b. 655.001 (7t) (b) of the statutes, as created by 2009 Wisconsin Act
17 (this act), is repealed.

18 **SECTION 7d.** 655.001[^] (9c) of the statutes is created to read:

19 655.001 (9c) "Nurse-midwife" means a person who is licensed to practice
20 nurse-midwifery under s. 441.15.

21 **SECTION 7f.** 655.002 (1) (a) of the statutes is amended to read:

1 655.002 (1) (a) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife for
2 whom this state is a principal place of practice and who practices his or her profession
3 in this state more than 240 hours in a fiscal year.✓

4 History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51. ✓

4 **SECTION 7h.** 655.002 (1) (b) (intro.) of the statutes is amended to read:

5 655.002 (1) (b) (intro.) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife
6 for whom Michigan is a principal place of practice, if all of the following apply:✓

7 History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

7 **SECTION 7i.** 655.002 (1) (b) 1. of the statutes is amended to read:

8 655.002 (1) (b) 1. The physician ~~or~~, nurse anesthetist, or nurse-midwife is a
9 resident of this state.✓

10 History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

10 **SECTION 7j.** 655.002 (1) (b) 2. of the statutes is amended to read:

11 655.002 (1) (b) 2. The physician ~~or~~, nurse anesthetist, or nurse-midwife
12 practices his or her profession in this state or in Michigan or a combination of both
13 more than 240 hours in a fiscal year.✓

14 History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

14 **SECTION 7k.** 655.002 (1) (b) 3. of the statutes is amended to read:

15 655.002 (1) (b) 3. The physician ~~or~~, nurse anesthetist, or nurse-midwife
16 performs more procedures in a Michigan hospital than in any other hospital. In this
17 subdivision, "Michigan hospital" means a hospital located in Michigan that is an
18 affiliate of a corporation organized under the laws of this state that maintains its
19 principal office and a hospital in this state.✓

20 History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

20 **SECTION 7m.** 655.002 (1) (c) of the statutes is amended to read:

21 655.002 (1) (c) A physician ~~or~~, nurse anesthetist, or nurse-midwife who is
22 exempt under s. 655.003 (1)✓ or (3)✓, or a nurse-midwife who is exempt under s. 655.03
23 (4)✓, but who practices his or her profession outside the scope of the exemption and

1 who fulfills the requirements under par. (a) in relation to that practice outside the
2 scope of the exemption. For a physician ~~or a~~, nurse anesthetist, or nurse-midwife
3 who is subject to this chapter under this paragraph, this chapter applies only to
4 claims arising out of practice that is outside the scope of the exemption under s.
5 655.003 (1) or (3) or (4).

History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

6 **SECTION 7p.** 655.002 (1) (d) of the statutes is amended to read:

7 655.002 (1) (d) A partnership comprised of physicians ~~or~~, nurse anesthetists,
8 or nurse-midwives and organized and operated in this state for the primary purpose
9 of providing the medical services of physicians ~~or~~, nurse anesthetists, or
10 nurse-midwives.[✓]

History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

11 **SECTION 7q.** 655.002 (1) (e) of the statutes is amended to read:

12 655.002 (1) (e) A corporation organized and operated in this state for the
13 primary purpose of providing the medical services of physicians ~~or~~, nurse
14 anesthetists, or nurse-midwives.[✓]

History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

15 **SECTION 7r.** 655.002 (1) (em) of the statutes is amended to read:

16 655.002 (1) (em) Any organization or enterprise not specified under par. (d) or
17 (e) that is organized and operated in this state for the primary purpose of providing
18 the medical services of physicians ~~or~~, nurse anesthetists, or nurse-midwives.[✓]

History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

19 **SECTION 7t.** 655.002 (2) (a) of the statutes is amended to read:

20 655.002 (2) (a) A physician ~~or~~, nurse anesthetist, or nurse-midwife for whom
21 this state is a principal place of practice but who practices his or her profession fewer
22 than 241 hours in a fiscal year, for a fiscal year, or a portion of a fiscal year, during
23 which he or she practices his or her profession.[✓]

History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

1 **SECTION 7v.** 655.002 (2) (b) of the statutes is amended to read:

2 655.002 (2) (b) Except as provided in sub. (1) (b), a physician ~~or~~, nurse
3 anesthetist, or nurse-midwife for whom this state is not a principal place of practice,
4 for a fiscal year, or a portion of a fiscal year, during which he or she practices his or
5 her profession in this state. For a health care provider who elects to be subject to this
6 chapter under this paragraph, this chapter applies only to claims arising out of
7 practice that is in this state and that is outside the scope of an exemption under s.
8 655.003 (1) or (3) or (4).✓

History: 1987 a. 27; 1991 a. 214; 2005 a. 36, 51.

9 **5.** Page 4, line 11: delete “person licensed to practice nurse-midwifery under
10 s. 441.15”✓ and substitute “nurse-midwife”✓

11 **6.** Page 4, line 11: after that line insert:

12 “**SECTION 8c.** 655.002 (2) (d) of the statutes, as created by 2009 Wisconsin Act ✓
13 (this act), is repealed.”✓

14 **SECTION 8f.** 655.003 (1) of the statutes is amended to read:

15 655.003 (1) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife who is a
16 state, county, or municipal employee, or federal employee or contractor covered
17 under the federal tort claims act, as amended, and who is acting within the scope of
18 his or her employment or contractual duties.✓

History: 1989 a. 187, 206; 1991 a. 214.

19 **SECTION 8h.** 655.003 (3) of the statutes is amended to read:

20 655.003 (3) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife who
21 provides professional services under the conditions described in s. 146.89 or 250.42
22 (4) (b), with respect to those professional services provided by the physician ~~or~~, nurse

1 anesthetist, or nurse-midwife for which he or she is covered by s. 165.25 and
2 considered an agent of the department, as provided in s. 165.25 (6) (b).

History: 1989 a. 187, 206; 1991 a. 214.

****NOTE: The exemption for providing services under s. 250.42 (4) (b) comes from
s. 441.15 (5) (a) 5. Since those services may also be provided by a physician or nurse
anesthetist, I included them rather than limiting the exemption to nurse-midwives.
Okay?

3 **SECTION 8j.** 655.003 (4) of the statutes is created to read:

4 655.003 (4) A nurse-midwife who is considered to be an employee of the federal
5 public health service under 42 USC 233 (g)."

6 **7.** Page 4, line 16: after that line insert:

7 "SECTION 10. 655.005 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
8 (this act), is amended to read:

9 655.005 (2) (a) An employee of a health care provider if the employee is a
10 physician ~~or a~~, nurse anesthetist, or nurse-midwife or is a health care practitioner
11 who is providing health care services that are not under the direction and
12 supervision of a physician ~~or~~, nurse anesthetist, or nurse-midwife.

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; 2005 a. 36.

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

14 655.005 (2) (b) A service corporation organized under s. 180.1903 by health care
15 professionals, as defined under s. 180.1901 (1m), if the board of governors determines
16 that it is not the primary purpose of the service corporation to provide the medical
17 services of physicians ~~or~~, nurse anesthetists, or nurse-midwives. The board of
18 governors may not determine under this paragraph that it is not the primary purpose
19 of a service corporation to provide the medical services of physicians ~~or~~, nurse
20 anesthetists, or nurse-midwives unless more than 50% of the shareholders of the

1 service corporation are ~~neither~~ not physicians ~~nor~~, nurse anesthetists, or
2 nurse-midwives.[✓]

3 **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; 2005 a. 36.

3 **SECTION 12.** 655.23 (5m) of the statutes is amended to read:

4 655.23 (5m) The limits set forth in sub. (4) shall apply to any joint liability of
5 a physician ~~or~~, nurse anesthetist, or nurse-midwife and his or her corporation,
6 partnership, or other organization or enterprise under s. 655.002 (1) (d), (e), or (em).[✓]

7 **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; 2005 a. 36.

7 **SECTION 13.** 655.27 (3) (a) 4. of the statutes is amended to read:

8 655.27 (3) (a) 4. For a health care provider described in s. 655.002 (1) (d), (e),
9 (em), or (f), risk factors and past and prospective loss and expense experience
10 attributable to employees of that health care provider other than employees licensed
11 as a physician ~~or~~, nurse anesthetist, or nurse-midwife.[✓]

12 **History:** 1975 c. 37, 79, 199; 1977 c. 29, 131; 1979 c. 34, 194; 1981 c. 20; 1983 a. 27, 158; 1985 a. 340; 1987 a. 27, 186, 247, 399; 1989 a. 102, 187, 332; 1991 a. 214, 315; 1993 a. 473; 1995 a. 10; 2001 a. 65; 2003 a. 111; 2005 a. 36, 410; 2007 a. 20.

12 **SECTION 14.** 655.27 (3) (b) 2f. of the statutes is created to read:

13 655.27 (3) (b) 2f. With respect to fees paid by nurse-midwives, the rule may
14 provide for a separate payment classification[✓] or for a payment classification that is
15 combined with one or more other categories of health care providers, as the
16 commissioner, after approval by the board of governors, determines is appropriate
17 for pooling risks under the fund.[✓]

18 **SECTION 15.** 655.27 (3) (b) 2m. of the statutes is amended to read:

19 655.27 (3) (b) 2m. In addition to the fees and payment classifications described
20 under subds. 1. ~~and 2.~~ to 2f.[✓], the commissioner, after approval by the board of
21 governors, may by rule establish a separate payment classification for physicians
22 satisfying s. 655.002 (1) (b) ~~and~~, a separate fee for nurse anesthetists satisfying s.
23 655.002 (1) (b), and a separate fee for nurse-midwives satisfying s. 655.002 (1) (b)[✓]

1 which take into account the loss experience of health care providers for whom
2 Michigan is a principal place of practice. ✓

History: 1975 c. 37, 79, 199; 1977 c. 29, 131; 1979 c. 34, 194; 1981 c. 20; 1983 a. 27, 158; 1985 a. 340; 1987 a. 27, 186, 247, 399; 1989 a. 102, 187, 332; 1991 a. 214, 315; 1993 a. 473; 1995 a. 10; 2001 a. 65; 2003 a. 111; 2005 a. 36, 410; 2007 a. 20.

3 **SECTION 16.** 655.275 (5) (b) 3. of the statutes is created to read:

4 655.275 (5) (b) 3. If a claim was paid for damages arising out of the rendering
5 of care by a nurse-midwife, with at least one nurse-midwife. ✓

6 ~~SECTION 17. Nonstatutory provisions.~~
SECTION 17. Nonstatutory provisions.

7 (1) EXPIRATION OF TERM OF MEMBER ON BOARD OF GOVERNORS. Notwithstanding
8 the length of terms specified for the members of the board of governors under section
9 619.04 (3) of the statutes, as affected by this act, the initial member named by the
10 Wisconsin Nurses Association shall be appointed for a term expiring on May 1, 2013. ✓

11 ~~(2) NOTICE OF EFFECTIVE DATE OF RULE FOR FEES.~~ *insert 8-11* When the rule under section
12 655.27 (3) (b) of the statutes, as affected by this act, that sets the fees to be paid to
13 the injured patients and families compensation fund ✓ by nurse-midwives
14 participating in the fund has been promulgated and is in effect, the commissioner of
15 insurance shall publish a notice in the Wisconsin Administrative Register that
16 specifies the effective date of the rule. ✓

17 **SECTION 18. Effective dates.** This act takes effect on the first day of the 3rd

18 month beginning after the date published by the commissioner of insurance in the

19 Wisconsin Administrative Register under 2009 Wisconsin Act ... (this act), section

20 17 (2), except as follows:

21 (1) The treatment of sections 50.36 (3i) ✓, 441.51 (1) (a) ✓ and (c) ✓, (2) (b) ✓, and (4) ✓,
22 619.04 (3) ✓, 655.001 (9c) ✓, and 655.005 (2) (a) ✓ (by SECTION 9) ✓ of the statutes, the
23 renumbering and amendment of section 655.001 (7t) ✓ of the statutes, the creation of

~~SECTION 17~~

1 sections 655.001 (7t) (b) and 655.002 (2) (d) of the statutes, and SECTION 17 of this act
2 take effect on the day after publication.”.

END

→ D-note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1628/dn
PJK:.....

date

I have not amended s. 441.145 (5) (bm) in this draft. That section establishes a minimum amount of malpractice liability insurance that a nurse-midwife must carry to be entitled to practice nurse-midwifery. Section 655.23 specifies the minimum amount of health care liability insurance that a health care provider (including a nurse-midwife) must maintain when covered under the injured patients and families compensation fund (fund). I assume that, if the minimum amounts differ, a nurse-midwife who must participate in the fund will have to maintain the higher amount. That way the nurse-midwife will satisfy both minimum requirements. Let me know if you want something different in this draft.

*

Pamela J. Kahler
Senior Legislative Attorney
Phone: (608) 266-2682
E-mail: pam.kahler@legis.wisconsin.gov

participates

→ of liability insurance

2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1628/?ins
PJK:.....

INSERT 8-11

1 ^{WOF} The commissioner of insurance shall promulgate a rule under section 655.27 (3)
2 (b) of the statutes, as affected by this act, that takes into account participation in the
3 injured patients and families compensation fund by nurse-midwives. The rule may
4 provide for a separate payment classification or for a payment classification that is
5 combined with one or more other categories of health care providers, as the
6 commissioner, after approval by the board of governors, determines is appropriate
7 for pooling risks under the fund. ^{NO #}

(END OF INSERT 8-11)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1628/1dn
PJK:nwn:ph

March 1, 2010

I have not amended s. 441.145 (5) (bm) in this draft. That section establishes a minimum amount of malpractice liability insurance that a nurse-midwife must carry to be entitled to practice nurse-midwifery. Section 655.23 specifies the minimum amount of health care liability insurance that a health care provider (including a nurse-midwife) must maintain when covered under the injured patients and families compensation fund (fund). I assume that, if the minimum amounts differ, a nurse-midwife who participates in the fund will have to maintain the higher amount of liability insurance. That way the nurse-midwife will satisfy both minimum requirements. Let me know if you want something different in this draft.

Pamela J. Kahler
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State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1628/7
PJK/ld&nwn:pb

2
ruiser

ASSEMBLY AMENDMENT ,
TO 2009 ASSEMBLY BILL 675

D-ute
now

1 At the locations indicated, amend the bill as follows:
2 **1.** Page 3, line 23: after that line insert:
3 **"SECTION 5m.** 619.04 (3) of the statutes is amended to read:
4 619.04 (3) The plan shall operate subject to the supervision and approval of a
5 board of governors consisting of 3 representatives of the insurance industry
6 appointed by and to serve at the pleasure of the commissioner, a person to be named
7 by the State Bar Association, a person to be named by the Wisconsin Academy of Trial
8 Lawyers, 2 persons to be named by the Wisconsin Medical Society, a person to be
9 named by the Wisconsin Hospital Association, a person to be named by the Wisconsin
10 Nurses Association, the commissioner or a designated representative employed by
11 the office of the commissioner, and 4 public members at least 2 of whom are not
12 attorneys or physicians and are not professionally affiliated with any hospital or
13 insurance company, appointed by the governor for staggered 3-year terms. The

1 commissioner or the commissioner's representative shall be the chairperson of the
2 board of governors. Board members shall be compensated at the rate of \$50 per diem
3 plus actual and necessary travel expenses.”.

4 **2.** Page 4, line 6: after that line insert:

5 **“SECTION 6m.** 655.001 (7t) (a) of the statutes, as affected by 2009 Wisconsin Act
6 (this act), is renumbered 655.001 (7t) and amended to read:

7 655.001 (7t) ~~Except as provided in par. (b), “health~~ “Heath care practitioner”
8 means a health care professional, as defined in s. 180.1901 (1m), who is an employee
9 of a health care provider described in s. 655.002 (1) (d), (e), (em), or (f) and who has
10 the authority to provide health care services that are not under the direction and
11 supervision of a physician ~~or~~, nurse anesthetist, or nurse-midwife.”.

12 **3.** Page 4, line 8: delete the material beginning with “person” and ending with
13 “s. 441.15” on line 9 and substitute “nurse-midwife”.

14 **4.** Page 4, line 9: after that line insert:

15 **“SECTION 7b.** 655.001 (7t) (b) of the statutes, as created by 2009 Wisconsin Act
16 (this act), is repealed.

17 **SECTION 7d.** 655.001 (9c) of the statutes is created to read:

18 655.001 (9c) “Nurse-midwife” means a person who is licensed to practice
19 nurse-midwifery under s. 441.15.

20 **SECTION 7f.** 655.002 (1) (a) of the statutes is amended to read:

21 655.002 (1) (a) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife for
22 whom this state is a principal place of practice and who practices his or her profession
23 in this state more than 240 hours in a fiscal year.

24 **SECTION 7h.** 655.002 (1) (b) (intro.) of the statutes is amended to read:

1 655.002 (1) (b) (intro.) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife
2 for whom Michigan is a principal place of practice, if all of the following apply:

3 **SECTION 7i.** 655.002 (1) (b) 1. of the statutes is amended to read:

4 655.002 (1) (b) 1. The physician ~~or~~, nurse anesthetist, or nurse-midwife is a
5 resident of this state.

6 **SECTION 7j.** 655.002 (1) (b) 2. of the statutes is amended to read:

7 655.002 (1) (b) 2. The physician ~~or~~, nurse anesthetist, or nurse-midwife
8 practices his or her profession in this state or in Michigan or a combination of both
9 more than 240 hours in a fiscal year.

10 **SECTION 7k.** 655.002 (1) (b) 3. of the statutes is amended to read:

11 655.002 (1) (b) 3. The physician ~~or~~, nurse anesthetist, or nurse-midwife
12 performs more procedures in a Michigan hospital than in any other hospital. In this
13 subdivision, "Michigan hospital" means a hospital located in Michigan that is an
14 affiliate of a corporation organized under the laws of this state that maintains its
15 principal office and a hospital in this state.

16 **SECTION 7m.** 655.002 (1) (c) of the statutes is amended to read:

17 655.002 (1) (c) A physician ~~or~~, nurse anesthetist, or nurse-midwife who is
18 exempt under s. 655.003 (1) or (3), or a nurse-midwife who is exempt under s. 655.03
19 (4), but who practices his or her profession outside the scope of the exemption and
20 who fulfills the requirements under par. (a) in relation to that practice outside the
21 scope of the exemption. For a physician ~~or a~~, nurse anesthetist, or nurse-midwife
22 who is subject to this chapter under this paragraph, this chapter applies only to
23 claims arising out of practice that is outside the scope of the exemption under s.
24 655.003 (1) or (3) or (4).

25 **SECTION 7p.** 655.002 (1) (d) of the statutes is amended to read:

1 655.002 (1) (d) A partnership comprised of physicians ~~or~~, nurse anesthetists,
2 or nurse-midwives and organized and operated in this state for the primary purpose
3 of providing the medical services of physicians ~~or~~, nurse anesthetists, or
4 nurse-midwives.

5 **SECTION 7q.** 655.002 (1) (e) of the statutes is amended to read:

6 655.002 (1) (e) A corporation organized and operated in this state for the
7 primary purpose of providing the medical services of physicians ~~or~~, nurse
8 anesthetists, or nurse-midwives.

9 **SECTION 7r.** 655.002 (1) (em) of the statutes is amended to read:

10 655.002 (1) (em) Any organization or enterprise not specified under par. (d) or
11 (e) that is organized and operated in this state for the primary purpose of providing
12 the medical services of physicians ~~or~~, nurse anesthetists, or nurse-midwives.

13 **SECTION 7t.** 655.002 (2) (a) of the statutes is amended to read:

14 655.002 (2) (a) A physician ~~or~~, nurse anesthetist, or nurse-midwife for whom
15 this state is a principal place of practice but who practices his or her profession fewer
16 than 241 hours in a fiscal year, for a fiscal year, or a portion of a fiscal year, during
17 which he or she practices his or her profession.

18 **SECTION 7v.** 655.002 (2) (b) of the statutes is amended to read:

19 655.002 (2) (b) Except as provided in sub. (1) (b), a physician ~~or~~, nurse
20 anesthetist, or nurse-midwife for whom this state is not a principal place of practice,
21 for a fiscal year, or a portion of a fiscal year, during which he or she practices his or
22 her profession in this state. For a health care provider who elects to be subject to this
23 chapter under this paragraph, this chapter applies only to claims arising out of
24 practice that is in this state and that is outside the scope of an exemption under s.
25 655.003 (1) or (3) or (4).”.

1 **5.** Page 4, line 11: delete “person licensed to practice nurse-midwifery under
2 s. 441.15” and substitute “nurse-midwife”.

3 **6.** Page 4, line 11: after that line insert:

4 “**SECTION 8c.** 655.002 (2) (d) of the statutes, as created by 2009 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 8f.** 655.003 (1) of the statutes is amended to read:

7 655.003 (1) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife who is a
8 state, county, or municipal employee, or federal employee or contractor covered
9 under the federal tort claims act, as amended, and who is acting within the scope of
10 his or her employment or contractual duties.

11 **SECTION 8h.** 655.003 (3) of the statutes is amended to read:

12 655.003 (3) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife who
13 provides professional services under the conditions described in s. 146.89 or 250.042
14 (4)(b), with respect to those professional services provided by the physician ~~or~~, nurse
15 anesthetist, or nurse-midwife for which he or she is covered by s. 165.25 and
16 considered an agent of the department, as provided in s. 165.25 (6) (b).

****NOTE: The exemption for providing services under s. 250.42 (4) (b) comes from
s. 441.15 (5) (a) 5. Since those services may also be provided by a physician or nurse
anesthetist, I included them rather than limiting the exemption to nurse-midwives.
Okay?

17 **SECTION 8j.** 655.003 (4) of the statutes is created to read:

18 655.003 (4) A nurse-midwife who is considered to be an employee of the federal
19 public health service under 42 USC 233 (g).”.

20 **7.** Page 4, line 16: after that line insert:

21 “**SECTION 10.** 655.005 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
22 (this act), is amended to read:

1 655.005 (2) (a) An employee of a health care provider if the employee is a
2 physician ~~or a~~, nurse anesthetist, or nurse-midwife or is a health care practitioner
3 who is providing health care services that are not under the direction and
4 supervision of a physician ~~or~~, nurse anesthetist, or nurse-midwife.

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

6 655.005 (2) (b) A service corporation organized under s. 180.1903 by health care
7 professionals, as defined under s. 180.1901 (1m), if the board of governors determines
8 that it is not the primary purpose of the service corporation to provide the medical
9 services of physicians ~~or~~, nurse anesthetists, or nurse-midwives. The board of
10 governors may not determine under this paragraph that it is not the primary purpose
11 of a service corporation to provide the medical services of physicians ~~or~~, nurse
12 anesthetists, or nurse-midwives unless more than 50% of the shareholders of the
13 service corporation are ~~neither not~~ physicians ~~nor~~, nurse anesthetists, or
14 nurse-midwives.

15 **SECTION 12.** 655.23 (5m) of the statutes is amended to read:

16 655.23 (5m) The limits set forth in sub. (4) shall apply to any joint liability of
17 a physician ~~or~~, nurse anesthetist, or nurse-midwife and his or her corporation,
18 partnership, or other organization or enterprise under s. 655.002 (1) (d), (e), or (em).

19 **SECTION 13.** 655.27 (3) (a) 4. of the statutes is amended to read:

20 655.27 (3) (a) 4. For a health care provider described in s. 655.002 (1) (d), (e),
21 (em), or (f), risk factors and past and prospective loss and expense experience
22 attributable to employees of that health care provider other than employees licensed
23 as a physician ~~or~~, nurse anesthetist, or nurse-midwife.

24 **SECTION 14.** 655.27 (3) (b) 2f. of the statutes is created to read:

1 655.27 (3) (b) 2f. With respect to fees paid by nurse-midwives, the rule may
2 provide for a separate payment classification or for a payment classification that is
3 combined with one or more other categories of health care providers, as the
4 commissioner, after approval by the board of governors, determines is appropriate
5 for pooling risks under the fund.

6 **SECTION 15.** 655.27 (3) (b) 2m. of the statutes is amended to read:

7 655.27 (3) (b) 2m. In addition to the fees and payment classifications described
8 under subds. 1. ~~and 2.~~ to 2f., the commissioner, after approval by the board of
9 governors, may by rule establish a separate payment classification for physicians
10 satisfying s. 655.002 (1) (b) ~~and~~, a separate fee for nurse anesthetists satisfying s.
11 655.002 (1) (b), and a separate fee for nurse-midwives satisfying s. 655.002 (1) (b)
12 which take into account the loss experience of health care providers for whom
13 Michigan is a principal place of practice.

14 **SECTION 16.** 655.275 (5) (b) 3. of the statutes is created to read:

15 655.275 (5) (b) 3. If a claim was paid for damages arising out of the rendering
16 of care by a nurse-midwife, with at least one nurse-midwife.

17 **SECTION 17. Nonstatutory provisions.**

18 (1) EXPIRATION OF TERM OF MEMBER ON BOARD OF GOVERNORS. Notwithstanding
19 the length of terms specified for the members of the board of governors under section
20 619.04 (3) of the statutes, as affected by this act, the initial member named by the
21 Wisconsin Nurses Association shall be appointed for a term expiring on May 1, 2013.

22 (2) NOTICE OF EFFECTIVE DATE OF RULE FOR FEES. The commissioner of insurance
23 shall promulgate a rule under section 655.27 (3) (b) of the statutes, as affected by this
24 act, that takes into account participation in the injured patients and families
25 compensation fund by nurse-midwives. The rule may provide for a separate

1 payment classification or for a payment classification that is combined with one or
2 more other categories of health care providers, as the commissioner, after approval
3 by the board of governors, determines is appropriate for pooling risks under the fund.
4 When the rule has been promulgated and is in effect, the commissioner of insurance
5 shall publish a notice in the Wisconsin Administrative Register that specifies the
6 effective date of the rule.

7 **SECTION 18. Effective dates.** This act takes effect on the first day of the 3rd
8 month beginning after the date published by the commissioner of insurance in the
9 Wisconsin Administrative Register under 2009 Wisconsin Act (this act), section
10 17 (2), except as follows:

11 (1) The treatment of sections 50.36 (3i), 441.51 (1) (a) and (c), (2) (b), and (4),
12 619.04 (3), 655.001 (9c), and 655.005 (2) (a) (by SECTION 9) of the statutes, the
13 renumbering and amendment of section 655.001 (7t) of the statutes, the creation of
14 sections 655.001 (7t) (b) and 655.002 (2) (d) of the statutes, and SECTION 17 of this act
15 take effect on the day after publication.”.

16 (END)



DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa1628/fdn²
PJK:nwn:ph

March 1, 2010

I have not amended s. 441.145 (5) (bm) in this draft. That section establishes a minimum amount of malpractice liability insurance that a nurse-midwife must carry to be entitled to practice nurse-midwifery. Section 655.23 specifies the minimum amount of health care liability insurance that a health care provider (including a nurse-midwife) must maintain when covered under the injured patients and families compensation fund (fund). I assume that, if the minimum amounts differ, a nurse-midwife who participates in the fund will have to maintain the higher amount of liability insurance. That way the nurse-midwife will satisfy both minimum requirements. Let me know if you want something different in this draft.

Pamela J. Kahler
Senior Legislative Attorney
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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa1628/2dn
PJK:nwn:rs

March 1, 2010

I have not amended s. 441.145 (5) (bm) in this draft. That section establishes a minimum amount of malpractice liability insurance that a nurse-midwife must carry to be entitled to practice nurse-midwifery. Section 655.23 specifies the minimum amount of health care liability insurance that a health care provider (including a nurse-midwife) must maintain when covered under the injured patients and families compensation fund (fund). I assume that, if the minimum amounts differ, a nurse-midwife who participates in the fund will have to maintain the higher amount of liability insurance. That way the nurse-midwife will satisfy both minimum requirements. Let me know if you want something different in this draft.

Pamela J. Kahler
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Pat Osborne

3-1

LRBa 1628

renewing voluntary participation
(until delayed eff date for those
participating fewer than 241 hrs)

p 4, lines 10-11 out of 500

p 5 1-5 out of amendment

new voluntary is out, ~~but~~ with
delayed eff date



State of Wisconsin
2009 - 2010 LEGISLATURE

LRBa1628/3
PJK:jld&nwn:rs

h m is re

ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 675

*today
(pp. 5 & 8)*

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 23: after that line insert:

3 "SECTION 5m. 619.04 (3) of the statutes is amended to read:

4 619.04 (3) The plan shall operate subject to the supervision and approval of a

5 board of governors consisting of 3 representatives of the insurance industry

6 appointed by and to serve at the pleasure of the commissioner, a person to be named

7 by the State Bar Association, a person to be named by the Wisconsin Academy of Trial

8 Lawyers, 2 persons to be named by the Wisconsin Medical Society, a person to be

9 named by the Wisconsin Hospital Association, a person to be named by the Wisconsin

10 Nurses Association, the commissioner or a designated representative employed by

11 the office of the commissioner, and 4 public members at least 2 of whom are not

12 attorneys or physicians and are not professionally affiliated with any hospital or

13 insurance company, appointed by the governor for staggered 3-year terms. The

1 commissioner or the commissioner's representative shall be the chairperson of the
2 board of governors. Board members shall be compensated at the rate of \$50 per diem
3 plus actual and necessary travel expenses.”.

4 **2.** Page 4, line 6: after that line insert:

5 **“SECTION 6m.** 655.001 (7t) (a) of the statutes, as affected by 2009 Wisconsin Act
6 ... (this act), is renumbered 655.001 (7t) and amended to read:

7 655.001 (7t) ~~Except as provided in par. (b), “health~~ “Heath care practitioner”
8 means a health care professional, as defined in s. 180.1901 (1m), who is an employee
9 of a health care provider described in s. 655.002 (1) (d), (e), (em), or (f) and who has
10 the authority to provide health care services that are not under the direction and
11 supervision of a physician ~~or~~, nurse anesthetist, or nurse-midwife.”.

12 **3.** Page 4, line 8: delete the material beginning with “person” and ending with
13 “s. 441.15” on line 9 and substitute “nurse-midwife”.

14 **4.** Page 4, line 9: after that line insert:

15 **“SECTION 7b.** 655.001 (7t) (b) of the statutes, as created by 2009 Wisconsin Act
16 ... (this act), is repealed.

17 **SECTION 7d.** 655.001 (9c) of the statutes is created to read:

18 655.001 (9c) “Nurse-midwife” means a person who is licensed to practice
19 nurse-midwifery under s. 441.15.

20 **SECTION 7f.** 655.002 (1) (a) of the statutes is amended to read:

21 655.002 (1) (a) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife for
22 whom this state is a principal place of practice and who practices his or her profession
23 in this state more than 240 hours in a fiscal year.

24 **SECTION 7h.** 655.002 (1) (b) (intro.) of the statutes is amended to read:

1 655.002 (1) (b) (intro.) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife
2 for whom Michigan is a principal place of practice, if all of the following apply:

3 **SECTION 7i.** 655.002 (1) (b) 1. of the statutes is amended to read:

4 655.002 (1) (b) 1. The physician ~~or~~, nurse anesthetist, or nurse-midwife is a
5 resident of this state.

6 **SECTION 7j.** 655.002 (1) (b) 2. of the statutes is amended to read:

7 655.002 (1) (b) 2. The physician ~~or~~, nurse anesthetist, or nurse-midwife
8 practices his or her profession in this state or in Michigan or a combination of both
9 more than 240 hours in a fiscal year.

10 **SECTION 7k.** 655.002 (1) (b) 3. of the statutes is amended to read:

11 655.002 (1) (b) 3. The physician ~~or~~, nurse anesthetist, or nurse-midwife
12 performs more procedures in a Michigan hospital than in any other hospital. In this
13 subdivision, "Michigan hospital" means a hospital located in Michigan that is an
14 affiliate of a corporation organized under the laws of this state that maintains its
15 principal office and a hospital in this state.

16 **SECTION 7m.** 655.002 (1) (c) of the statutes is amended to read:

17 655.002 (1) (c) A physician ~~or~~, nurse anesthetist, or nurse-midwife who is
18 exempt under s. 655.003 (1) or (3), or a nurse-midwife who is exempt under s. 655.03
19 (4), but who practices his or her profession outside the scope of the exemption and
20 who fulfills the requirements under par. (a) in relation to that practice outside the
21 scope of the exemption. For a physician ~~or a~~, nurse anesthetist, or nurse-midwife
22 who is subject to this chapter under this paragraph, this chapter applies only to
23 claims arising out of practice that is outside the scope of the exemption under s.
24 655.003 (1) or (3) or (4).

25 **SECTION 7p.** 655.002 (1) (d) of the statutes is amended to read:

1 655.002 (1) (d) A partnership comprised of physicians ~~or~~, nurse anesthetists,
2 or nurse-midwives and organized and operated in this state for the primary purpose
3 of providing the medical services of physicians ~~or~~, nurse anesthetists, or
4 nurse-midwives.

5 **SECTION 7q.** 655.002 (1) (e) of the statutes is amended to read:

6 655.002 (1) (e) A corporation organized and operated in this state for the
7 primary purpose of providing the medical services of physicians ~~or~~, nurse
8 anesthetists, or nurse-midwives.

9 **SECTION 7r.** 655.002 (1) (em) of the statutes is amended to read:

10 655.002 (1) (em) Any organization or enterprise not specified under par. (d) or
11 (e) that is organized and operated in this state for the primary purpose of providing
12 the medical services of physicians ~~or~~, nurse anesthetists, or nurse-midwives.

13 **SECTION 7t.** 655.002 (2) (a) of the statutes is amended to read:

14 655.002 (2) (a) A physician ~~or~~, nurse anesthetist, or nurse-midwife for whom
15 this state is a principal place of practice but who practices his or her profession fewer
16 than 241 hours in a fiscal year, for a fiscal year, or a portion of a fiscal year, during
17 which he or she practices his or her profession.

18 **SECTION 7v.** 655.002 (2) (b) of the statutes is amended to read:

19 655.002 (2) (b) Except as provided in sub. (1) (b), a physician ~~or~~, nurse
20 anesthetist, or nurse-midwife for whom this state is not a principal place of practice,
21 for a fiscal year, or a portion of a fiscal year, during which he or she practices his or
22 her profession in this state. For a health care provider who elects to be subject to this
23 chapter under this paragraph, this chapter applies only to claims arising out of
24 practice that is in this state and that is outside the scope of an exemption under s.
25 655.003 (1) or (3) or (4).”.

→ #. Page 4, line 10: delete lines 10 and 11. ✓

1 **5.** Page 4, line 11: delete "person licensed to practice nurse-midwifery under
2 s. 441.15" and substitute "nurse-midwife".

3 **6.** Page 4, line 11: after that line insert:

4 "SECTION 8c. 655.002 (2) (d) of the statutes, as created by 2009 Wisconsin Act
5 (this act), is repealed.

6 **SECTION 8f.** 655.003 (1) of the statutes is amended to read:

7 655.003 (1) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife who is a
8 state, county, or municipal employee, or federal employee or contractor covered
9 under the federal tort claims act, as amended, and who is acting within the scope of
10 his or her employment or contractual duties.

11 **SECTION 8h.** 655.003 (3) of the statutes is amended to read:

12 655.003 (3) A physician ~~or~~, a nurse anesthetist, or a nurse-midwife who
13 provides professional services under the conditions described in s. 146.89 or 250.042
14 (4) (b), with respect to those professional services provided by the physician ~~or~~, nurse
15 anesthetist, or nurse-midwife for which he or she is covered by s. 165.25 and
16 considered an agent of the department, as provided in s. 165.25 (6) (b).

17 **SECTION 8j.** 655.003 (4) of the statutes is created to read:

18 655.003 (4) A nurse-midwife who is considered to be an employee of the federal
19 public health service under 42 USC 233 (g)."

20 **7.** Page 4, line 16: after that line insert:

21 "SECTION 10. 655.005 (2) (a) of the statutes, as affected by 2009 Wisconsin Act
22 (this act), is amended to read:

23 655.005 (2) (a) An employee of a health care provider if the employee is a
24 physician ~~or a~~, nurse anesthetist, or nurse-midwife or is a health care practitioner

#, Page 4, line 11: after that line insert:

1 who is providing health care services that are not under the direction and
2 supervision of a physician ~~or~~, nurse anesthetist, or nurse-midwife.

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

4 655.005 (2) (b) A service corporation organized under s. 180.1903 by health care
5 professionals, as defined under s. 180.1901 (1m), if the board of governors determines
6 that it is not the primary purpose of the service corporation to provide the medical
7 services of physicians ~~or~~, nurse anesthetists, or nurse-midwives. The board of
8 governors may not determine under this paragraph that it is not the primary purpose
9 of a service corporation to provide the medical services of physicians ~~or~~, nurse
10 anesthetists, or nurse-midwives unless more than 50% of the shareholders of the
11 service corporation are ~~neither not~~ not physicians ~~nor~~, nurse anesthetists, or
12 nurse-midwives.

13 **SECTION 12.** 655.23 (5m) of the statutes is amended to read:

14 655.23 (5m) The limits set forth in sub. (4) shall apply to any joint liability of
15 a physician ~~or~~, nurse anesthetist, or nurse-midwife and his or her corporation,
16 partnership, or other organization or enterprise under s. 655.002 (1) (d), (e), or (em).

17 **SECTION 13.** 655.27 (3) (a) 4. of the statutes is amended to read:

18 655.27 (3) (a) 4. For a health care provider described in s. 655.002 (1) (d), (e),
19 (em), or (f), risk factors and past and prospective loss and expense experience
20 attributable to employees of that health care provider other than employees licensed
21 as a physician ~~or~~, nurse anesthetist, or nurse-midwife.

22 **SECTION 14.** 655.27 (3) (b) 2f. of the statutes is created to read:

23 655.27 (3) (b) 2f. With respect to fees paid by nurse-midwives, the rule may
24 provide for a separate payment classification or for a payment classification that is
25 combined with one or more other categories of health care providers, as the

1 commissioner, after approval by the board of governors, determines is appropriate
2 for pooling risks under the fund.

3 **SECTION 15.** 655.27 (3) (b) 2m. of the statutes is amended to read:

4 655.27 (3) (b) 2m. In addition to the fees and payment classifications described
5 under subds. 1. ~~and 2.~~ to 2f., the commissioner, after approval by the board of
6 governors, may by rule establish a separate payment classification for physicians
7 satisfying s. 655.002 (1) (b) ~~and~~, a separate fee for nurse anesthetists satisfying s.
8 655.002 (1) (b), and a separate fee for nurse-midwives satisfying s. 655.002 (1) (b)
9 which take into account the loss experience of health care providers for whom
10 Michigan is a principal place of practice.

11 **SECTION 16.** 655.275 (5) (b) 3. of the statutes is created to read:

12 655.275 (5) (b) 3. If a claim was paid for damages arising out of the rendering
13 of care by a nurse-midwife, with at least one nurse-midwife.

14 **SECTION 17. Nonstatutory provisions.**

15 (1) EXPIRATION OF TERM OF MEMBER ON BOARD OF GOVERNORS. Notwithstanding
16 the length of terms specified for the members of the board of governors under section
17 619.04 (3) of the statutes, as affected by this act, the initial member named by the
18 Wisconsin Nurses Association shall be appointed for a term expiring on May 1, 2013.

19 (2) NOTICE OF EFFECTIVE DATE OF RULE FOR FEES. The commissioner of insurance
20 shall promulgate a rule under section 655.27 (3) (b) of the statutes, as affected by this
21 act, that takes into account participation in the injured patients and families
22 compensation fund by nurse-midwives. The rule may provide for a separate
23 payment classification or for a payment classification that is combined with one or
24 more other categories of health care providers, as the commissioner, after approval
25 by the board of governors, determines is appropriate for pooling risks under the fund.

1 When the rule has been promulgated and is in effect, the commissioner of insurance
2 shall publish a notice in the Wisconsin Administrative Register that specifies the
3 effective date of the rule.

4 **SECTION 18. Effective dates.** This act takes effect on the first day of the 3rd
5 month beginning after the date published by the commissioner of insurance in the
6 Wisconsin Administrative Register under 2009 Wisconsin Act (this act), section
7 17 (2), except as follows:

8 (1) The treatment of sections 50.36 (3i), 441.51 (1) (a) and (c), (2) (b), and (4),
9 619.04 (3), 655.001 (9c), and 655.005 (2) (a) (by SECTION 9) of the statutes, the
10 renumbering and amendment of section 655.001 (7t) of the statutes, the creation of
11 sections 655.001 (7t) (b) and 655.002 (2) (d) of the statutes, and SECTION 17 of this act
12 take effect on the day after publication.”

13 (END)