

CR 86-190

STATE OF WISCONSIN
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DEC 16 1986

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

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

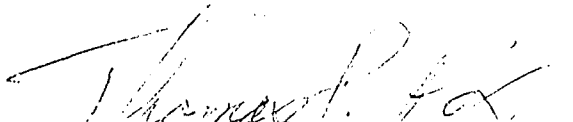
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Thomas P. Fox, Commissioner of Insurance and custodian of the official records of said office, do hereby certify that the annexed order permitting the Wisconsin Health Care Liability Insurance Plan to write professional liability insurance coverage for registered nurse midwives was issued by this office December 16, 1986.

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 16th day of December, 1986.

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Thomas P. Fox
Commissioner of Insurance

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DOUGLAS LA FOLLETTE
SECRETARY OF STATE

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ORDER OF THE COMMISSIONER OF INSURANCE

AMENDING A RULE

To amend Ins 17.25 relating to permitting the Wisconsin Health Care Liability Insurance Plan to write professional liability insurance coverage for registered nurse midwives.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Registered nurse midwives are unable to purchase insurance in the voluntary market. The present insurance carrier has notified registered nurse midwives that no new insurance will be accepted and that existing policies will not be renewed upon expiration.

The changes in Ins 17.25 (1) (b), Ins 17.25 (2), Ins 17.25 (4) (c) and Ins 17.25 (5) (a) 2 will permit the Wisconsin Health Care Liability Insurance Plan, established under ss. 619.01 and 619.04, Stats., to write professional liability insurance coverage for registered nurse midwives, who are licensed under Chapter 448, Stats., up to the limits specified in s. 655.23 (4), Stats. This rule interprets ss. 619.01 and 619.04 and is authorized by 619.04 (1) and (10), Stats.

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The changes to these rules will not affect small businesses.

Pursuant to the authority vested in the commissioner of insurance by ss. 227.11, 601.41 (13), 619.01 (1), and 619.04 (1) and (10), Stats., the commissioner hereby amends a rule which implements and interprets ss. 619.01 (1) and 619.04 (1), Stats.

SECTION 1. Ins 17.25 (1) (b) is amended to read:

(b) Health care liability insurance is not readily available in the voluntary market for medical or osteopathic physicians or podiatrists, licensed under ch. 448, Stats., and nurse anesthetists or nurse midwives licensed under ch. 441, Stats., who practice in this state; for partnerships comprised of such physicians, podiatrists, ~~or~~ nurse anesthetists or nurse midwives; for corporations owned by such physicians, podiatrists, ~~or~~ nurse anesthetists or nurse midwives and operated for the purposes of providing medical services; for operating cooperative sickness care plans organized under ss. 185.981 to 185.985, Stats., which directly provide services in their own facilities with salaried employes, and for properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under ch. 448, Stats., or for nurses licensed or to be licensed under ch. 441, Stats. Health care liability insurance and liability coverage normally incidental to health care liability insurance for hospitals as defined by s. 50.33 (1) (a) and (c), Stats., but excluding, except as otherwise provided herein, those facilities exempted by s. 50.39 (3), Stats., which operate in this state are not readily available in the voluntary market. Health care liability insurance and liability coverage normally incidental to health care liability insurance for those nursing homes as defined in s. 50.01 (3) (a), Stats., which operate in this state and whose functional operations are combined with a hospital as herein defined as a

single entity, whether or not the nursing home operations are physically separate from the hospital operations, are not readily available in the voluntary market. Health care liability insurance and liability coverage normally incidental to health care liability insurance for health care facilities owned or operated by a political subdivision of the state of Wisconsin are not readily available in the voluntary market.

SECTION 2. Ins 17.25 (2) is amended to read:

(2) PURPOSE. This ~~rate~~ section is intended to implement and interpret ch. 619, Stats., for the purpose of establishing procedures and requirements for a mandatory risk sharing plan to provide health care liability insurance coverage on a self-supporting basis for medical or osteopathic physicians or podiatrists licensed under ch. 448, Stats., and nurse anesthetists or nurse midwives licensed under ch. 441, Stats., who practice in this state; partnerships comprised of such physicians, podiatrists ~~or~~, nurse anesthetists or nurse midwives; corporations owned by such physicians, podiatrists ~~or~~, nurse anesthetists or nurse midwives and operated for the purposes of providing medical services; for operating cooperative sickness care plans organized under ss. 185.981 to 185.985, Stats., which directly provide service in their own facilities with salaried employes; and for properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under ch. 448, Stats., or for nurses licensed or to be licensed under ch. 441, Stats.; and to provide health care liability insurance coverage and liability coverages normally incidental to health care liability insurance on a self-supporting basis for all hospitals as defined by s. 50.33 (1) (a) and (c), Stats., but excluding those facilities exempted by s. 50.39 (3), Stats., except as otherwise provided herein, which operate in this state. Health care liability insurance

coverage and liability coverages normally incidental to health care liability insurance on a self-supporting basis for those nursing homes as defined in s. 50.01 (3) (a), Stats., which operate in this state and whose functional operations are combined with a hospital as herein defined as a single entity, whether or not the nursing home operations are physically separate from the hospital operations is also provided. Health care liability insurance coverage and liability coverages normally incidental to health care liability insurance on a self-supporting basis for those health care facilities owned or operated by a political subdivision of the state of Wisconsin is also provided. Health care liability insurance coverage for allied health care personnel employed by any of these health care providers while working within scope of such employment may also be provided. This rule section is also intended to encourage the improvement in reasonable loss prevention measures and to encourage the maximum use of the existing voluntary market.

SECTION 3. Ins. 17.25 (4) (c) is amended to read:

(c) Health care liability insurance means insurance against loss, expense and liability resulting from errors, omissions or neglect in the performance of any professional service by any medical or osteopathic physician or podiatrist licensed under ch. 448, Stats., and nurse anesthetists or nurse midwives licensed under ch. 441, Stats., who practice in this state; by a partnership comprised of such physicians, podiatrists or, nurse anesthetists or nurse midwives; by a corporation owned by such physicians, podiatrists or, nurse anesthetists or nurse midwives and operated for the purposes of providing medical services; by operating cooperative sickness care plans organized under ss. 185.981 to 185.985, Stats., which directly provide

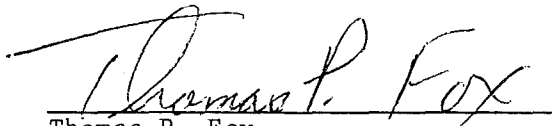
services in their own facilities with salaried employes; by properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under ch. 448, Stats., or for nurses licensed or to be licensed under ch. 441, Stats.; by all hospitals as defined by s. 50.33 (1) (a) and (c), Stats., but excluding those facilities exempted by s. 50.39 (3), Stats., except as otherwise provided; by those nursing homes as defined in s. 50.01 (3) (a), Stats., whose functional operations are combined with a hospital as herein defined as a single entity, whether or not nursing home operations are physically separate from the hospital operations, which operate in this state; and by health care facilities owned or operated by a political subdivision of the state of Wisconsin.

SECTION 4. Ins 17.25 (5) (a) 2. is amended to read:

2. Nurse anesthetists or nurse midwives licensed under ch. 441, Stats.;

EFFECTIVE DATE. Pursuant to section 227.22, Stats., the amendments to this rule shall first apply on the first day of the month commencing after the date of publication.

Dated at Madison, Wisconsin this 16th day of December, 1986.



Thomas P. Fox
Commissioner of Insurance

221R5
10/22/86



The State of Wisconsin
Office of the Commissioner of Insurance

Thomas P. Fox
Commissioner
(608) 266-3585

DATE: December 16, 1986
TO: Gary Poulson
FROM: Mary Grossman, Director
Office of Policy Analysis
SUBJECT: Ins 17.25, Clearinghouse Number 86-190

Enclosed are two copies of an Order of the Commissioner of Insurance amending Ins 17.25, clearinghouse number 86-190 relating to granting permission to the Wisconsin Health Care Liability Insurance Plan to write professional liability insurance for registered nurse midwives.

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