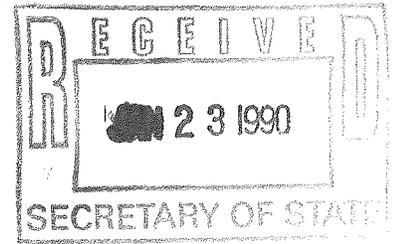


CR 89-168



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STATE OF WISCONSIN)
OFFICE OF THE COMMISSIONER OF INSURANCE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Robert D. Haase, Commissioner of Insurance and custodian of the official records of said Office, do hereby certify that the annexed order amending a rule relating to the limits of liability for insurance coverage available to podiatrists through the Wisconsin health care liability insurance plan was issued by this Office on January 23, 1990.

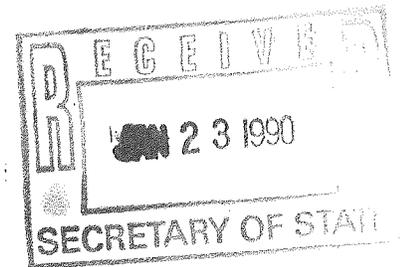
I further certify that said copy has been compared by me with the original on file in this Office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 23rd day of January, 1990.

Robert D. Haase
Commissioner of Insurance

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ORDER OF THE COMMISSIONER OF INSURANCE

AMENDING AND CREATING A RULE

To amend Ins 17.25 (5) (b) 3; and to create Ins 17.25 (5) (b) 4, relating to the limits of liability for insurance coverage available to podiatrists through the Wisconsin health care liability insurance plan.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 601.41 (3) and 619.04 (10), Stats.

Statutes interpreted: ss. 448.075 and 619.01 (7) (a), Stats.

The Wisconsin health care liability insurance plan (WHCLIP) is a statutory plan which offers medical malpractice insurance to health care providers that are required to participate in the Wisconsin patients compensation fund (fund) and to other health care providers approved by the board of governors of the fund. The minimum levels of coverage available are specified by statute. The commissioner of insurance may establish higher minimum levels where excess coverage is not available to insureds.

The current limits of liability available to all WHCLIP insureds are \$400,000 per occurrence and \$1,000,000 for all occurrences in any one policy

year. This rule raises, for podiatrists only, the per occurrence limit to \$1,000,000 for all occurrences on and after November 1, 1989.

An identical emergency rule is currently in effect.

SECTION 1. Ins 17.25 (5) (b) 3 is amended to read:

Ins 17.25 (5) (b) 3. ~~For~~ Except as provided in subd. 4, for occurrences on or and after July 1, 1988, \$400,000 for each occurrence and \$1,000,000 for all occurrences in any one policy year.

SECTION 2. Ins 17.25 (5) (b) 4 is created to read:

Ins 17.25 (5) (b) 4. For podiatrists licensed under ch. 448, Stats., for occurrences on and after November 1, 1989, \$1,000,000 for each occurrence and \$1,000,000 for all occurrences in any one policy year.

EFFECTIVE DATE. This rule takes effect on the first day of the month commencing after the date of publication as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 23^d day of January, 1990.



Robert D. Haase
Commissioner of Insurance



State of Wisconsin \

OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

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Bureau

Robert D. Haase
Commissioner

123 West Washington Avenue
P.O. Box 7873
Madison, Wisconsin 53707
(608) 266-3585

DATE: January 23, 1990
TO: Gary Poulson
FROM: Fred Nepple, General Counsel
Office of the Commissioner of Insurance
SUBJECT: Section Ins 17.25, Wis. Adm. Code, Clearinghouse No. 89-168

Enclosed are two copies of an Order of the Commissioner of Insurance amending and creating s. Ins 17.25, Wis. Adm. Code, relating to the limits of liability for insurance coverage available to podiatrists through the Wisconsin Health Care Liability Insurance Plan (WHCLIP).

Pursuant to s. 227.114 (6), Wis. Stat., I am providing you with the following:

Summary of Final Regulatory Flexibility Analysis

This rule was requested by licensed podiatrists who are unable to purchase professional liability insurance coverage in the voluntary market in the amounts necessary to meet the statutorily required limits. The Board of Governors of the Patients Compensation Fund and WHCLIP, after determining that occurrence coverage in the necessary amounts is not available to podiatrists, recommended concurrence with the request of the podiatrists. None of the methods specified under s. 227.114 (2), Wis. Stat., are appropriate for inclusion in this rule, as the rule does not require podiatrists to purchase insurance from WHCLIP, but enables them to do so upon application and payment of the premium established by the Board of Governors.

Summary of Comments of Legislative Standing Committees

The Legislative Standing Committees had no comments on this rule.

FN:MAC:mle
Enclosure
588R