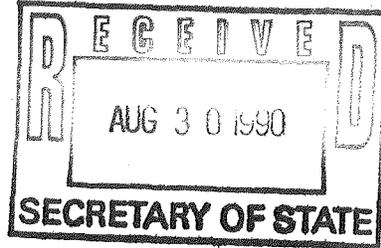


CR 90-114



STATE OF WISCONSIN )  
OFFICE OF THE COMMISSIONER OF INSURANCE)

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I, Robert D. Haase, Commissioner of Insurance and custodian of the official records of this Office, certify that the attached rule-making order affecting s. Ins 17.28, Wis. Adm. Code, relating to Patients Compensation Fund fees for resident physicians and to public employes, was issued by this Office on August 28, 1990.

I further certify that I have compared this copy with the original on file in this Office and that it is a true copy of the whole of the original.

Dated at Madison, Wisconsin, this 28th day of August, 1990.

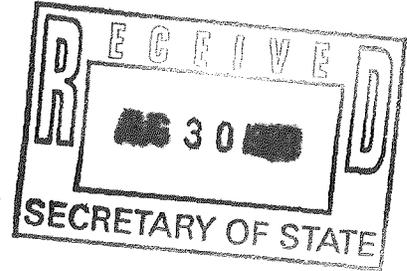
  
Robert D. Haase  
Commissioner of Insurance

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ORDER OF THE COMMISSIONER OF INSURANCE

REPEALING AND AMENDING A RULE

To repeal Ins 17.28 (6) (e) and (f); and to amend Ins 17.28 (6) (b) and (6e), relating to patients compensation fund fees for resident physicians and to public employes.

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ANALYSIS BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: ss. 601.41 (3) and 655.004, Stats.

Statutes interpreted: s. 655.27 (3) (b), Stats.

The board of governors of the patients compensation fund, at its September 27, 1989, meeting approved the actuary's recommendation to decrease the fund fees for fiscal year 1990-91 for resident physicians, other than medical college of Wisconsin residents, from 60% to 50% of the fee for a practicing physician in the same class. As a result, all residents will be given the same discount as has traditionally been given to medical college of Wisconsin residents.

This rule amends the residents' fund fees to correspond to the amounts approved by the board of governors. It also makes technical

corrections in the rule governing the billing and payment of fees for medical college of Wisconsin residents. Finally, the rule repeals a section establishing a fee for publicly-employed physicians, as the fund no longer covers those providers for activities that fall within the scope of their public employment (1989 Wisconsin Act 187).

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SECTION 1. Ins 17.28 (6) (b) is amended to read:

Ins 17.28 (6) (b) (intro.) ~~Except as provided in par. (e),~~ For a resident acting within the scope of a residency or fellowship program:

Class 1	<del>\$1,543</del>	<u>\$1,286</u>	Class 3	<del>\$7,715</del>	<u>\$6,427</u>
Class 2	<del>-3,086</del>	<u>2,572</u>	Class 4	<del>-9,258</del>	<u>7,716</u>

SECTION 2. Ins 17.28 (6) (e) and (f) are repealed.

SECTION 3. Ins 17.28 (6e) is amended to read:

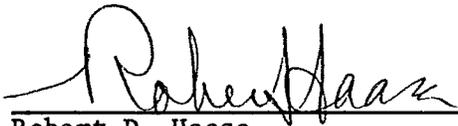
Ins 17.28 (6e) MEDICAL COLLEGE RESIDENTS' FEES. (a) The fund shall calculate the total amount of fees for all medical college of Wisconsin affiliated hospitals, inc., residents ~~under sub. (6) (e)~~ on a full-time-equivalent basis, taking into consideration the proportion of time spent by the residents in practice which is not covered by the fund, including practice in federal, state, county and municipal facilities, as determined by the medical college of Wisconsin affiliated hospitals, inc.

(b) ~~The fund's initial bill, payable under sub. (7), shall be the amount paid during the previous fiscal year by~~ Before the beginning of each fiscal year, the medical college of Wisconsin affiliated hospitals, inc., shall estimate the total amount of fund fees for the next fiscal year for all its residents and shall pay that amount to the fund. At the end of the fiscal

year, the ~~fund shall adjust the fee to reflect~~ medical college of Wisconsin affiliated hospitals, inc., shall determine the residents' actual exposure during the current fiscal year, as determined by the medical college of Wisconsin affiliated hospitals, inc and shall pay the fund the amount of any deficiency, plus interest as determined under s. Ins 17.28 (7) (c) 3. The fund shall refund the amount of an overpayment, if any.

SECTION 4. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication, as provided in section 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 28<sup>th</sup> day of August, 1990.



Robert D. Haase  
Commissioner of Insurance

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