

CR 92-149



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Josephine W. Musser
Commissioner

121 East Wilson Street
P.O. Box 7873
Madison, Wisconsin 53707-7873
(608) 266-3585
1-800-947-3529 Hearing/Speech Impaired Only

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

I, Josephine W. Musser, Commissioner of Insurance and custodian of the official records of this Office, certify that the attached is a corrected copy of a rule-making order affecting sections Ins 6.85, Wis. Adm. Code relating to insurers providing notice of the right to file complaints with the Commissioner, was issued by this Office on March 9, 1993, and was originally filed by this office on January 11, 1993.

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, on March 9, 1993.

Josephine W. Musser
Josephine W. Musser
Commissioner of Insurance

STATE OF WISCONSIN
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MAR 10 1993
DOUGLAS LA FOLLETTE
SECRETARY OF STATE

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ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE

CREATING A RULE

To create Ins 6.85, relating to insurers providing notice of the right to file complaints with the commissioner.

ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

Statutory authority: 631.28 and 601.41 (3), Stats.

This rule sets out the notice requirements under s. 631.28, Stats., that insurers must use to notify insureds of the right to file complaints with the insurance commissioner regarding problems they are having with insurance. For existing policies, the notice would be sent at the next billing and for new policies the notice will be sent with the policy.

SECTION 1. Ins 6.85 is created read:

Ins 6.85 **Notification of a person's right to file a complaint with the commissioner.** (1) PURPOSE. This section interprets and implements s. 631.28, Stats., by specifying the contents of a notice insurers must provide to insureds about their right to file a complaint with the office of

the commissioner of insurance. This section also describes when and the manner in which such notice must be provided.

(2) SCOPE. This section applies to all policies or certificates in force, issued or renewed in Wisconsin on or after the effective date of this section.

(3) DEFINITIONS. For purposes of this section, "insured" means the policyholder for individual policies and both the group policyholder and certificate holder for group policies.

(4) NOTICE FORMAT. Every insurer shall disclose the insured's right to contact the office of the commissioner of insurance regarding an insurance problem by providing a notice which shall:

(a) Be in the form as prescribed in Appendix I or for policies subject to sub. (5) (d) in form as prescribed in Appendix 2;

(b) Allow the issuer to include its address and phone number;

(c) Be in no less than 10-point type; and

(d) Have the phrase "KEEP THIS NOTICE WITH YOUR INSURANCE PAPERS," "PROBLEMS WITH YOUR INSURANCE?" in Appendix I and the "OFFICE OF THE COMMISSIONER OF INSURANCE" in Appendices I and 2 capitalized and in bold lettering.

(5) NOTICE DELIVERY. (a) For policies issued prior to the effective date of this section, except for policies included under pars. (c) and (d):

1. The notice shall be provided on or before the insured's first renewal date after the effective date of this section or within one year after the effective date of this section, whichever is earlier, with a separate notice to the insured; or

2. For single premium policies, a separate notice shall be provided on or before the insured's next anniversary date or within one year after the effective date of this section, whichever is earlier.

(b) For policies or certificates issued on or after the effective date of this section, except for policies included under pars. (c) and (d), a separate notice shall be provided at the time the policy or certificate is issued.

(c) For surety and title insurance policies the notice must be given as a separate notice to each claimant at the time a claim is denied.

(d) For policies subject to s. 609.15, Stats., the insurer shall either give notice in the form as prescribed in Appendix 2 and as specified in pars. (a) and (b) or may include the language in Appendix 2 as part of the grievance procedure language in the policy and certificates issued after the effective date and, for policies issued prior to the effective date, provide a policy or certificate amendment on or before the first renewal date after the effective date or within one year after the effective date of this section, whichever is earlier.

APPENDIX I

KEEP THIS NOTICE WITH YOUR INSURANCE PAPERS

PROBLEMS WITH YOUR INSURANCE? - If you are having problems with your insurance company or agent, do not hesitate to contact the insurance company or agent to resolve your problem.

[Optional]	(INSURER NAME)
[Optional]	(CUSTOMER SERVICE)
[Optional]	(ADDRESS)
[Optional]	(CITY, STATE, ZIP)
[Optional]	(TELEPHONE NUMBER)

You can also contact the OFFICE OF THE COMMISSIONER OF INSURANCE, a state agency which enforces Wisconsin's insurance laws, and file a complaint. You can contact the OFFICE OF THE COMMISSIONER OF INSURANCE by writing to:

Office of the Commissioner of Insurance
Complaints Department
P. O. Box 7873
Madison, WI 53707-7873

or you can call 1-800-236-8517 outside of Madison or 266-0103 in Madison, and request a complaint form.

APPENDIX 2

You may resolve your problem by taking the steps outlined in your HMO grievance procedure. You may also contact the OFFICE OF THE COMMISSIONER OF INSURANCE, a state agency which enforces Wisconsin's insurance laws, and file a complaint. You can contact the OFFICE OF THE COMMISSIONER OF INSURANCE by writing to:

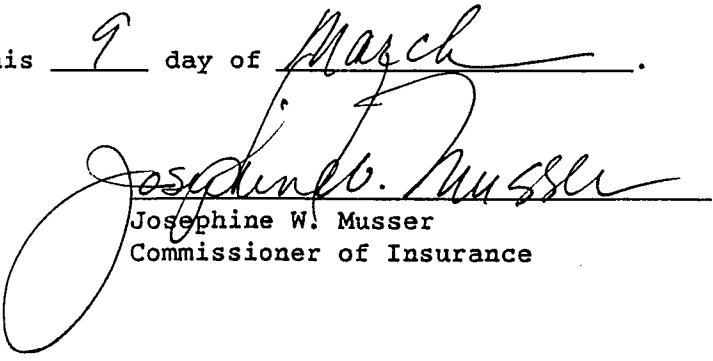
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SECTION 2. INITIAL APPLICABILITY. This rule first applies to policies in force, issued, renewed or first billed on or after February 1, 1993.

SECTION 3. EFFECTIVE DATE. This rule will take effect on February 1, 1993.

Dated at Madison, Wisconsin, this 9 day of March.


Josephine W. Musser
Commissioner of Insurance

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CR 92-149

State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tommy G. Thompson
Governor

Robert D. Haase
Commissioner

121 East Wilson Street
P.O. Box 7873
Madison, Wisconsin 53707-7873
(608) 266-3585

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

I, John W. Torgerson, Deputy Commissioner of Insurance and custodian of the official records of this Office, certify that the attached rule making order affecting sections Ins 6.85, Wis. Adm. Code relating to insurers providing notice of the right to file complaints with the Commissioner, was issued by this Office on January 11, 1993.

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, on January 11, 1993.

John Torgerson
John W. Torgerson
Deputy Commissioner of Insurance

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JAN 12 1993
2:45 pm
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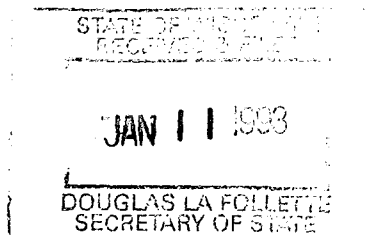
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DOUGLAS W. ...
SECRETARY

3-1-93

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JAN 12 1993

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(b) For policies or certificates issued on or after the effective date of this section, except for policies included under pars. (c) and (d), a

separate notice shall be provided at the time the policy or certificate is issued.

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(d) For policies subject to s. 609.15, Stats., the insurer shall either give notice in the form as prescribed in Appendix 2 and as specified in pars. (a) and (b) or may include the language in Appendix 2 as part of the grievance procedure language in the policy and certificates issued after the effective date and, for policies issued prior to the effective date, provide a policy or certificate amendment on or before the first premium billing date after the effective date or within one year after the effective date of this section, whichever is earlier.

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SECTION 2. INITIAL APPLICABILITY. This rule first applies to policies in force, issued, renewed or first billed on or after February 1, 1993.

SECTION 3. EFFECTIVE DATE. This rule will take effect on February 1, 1993.

Dated at Madison, Wisconsin, this 11th day of January 1993.


John W. Torgerson
Deputy Commissioner

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