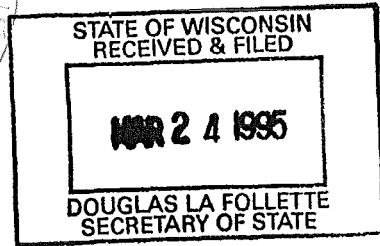
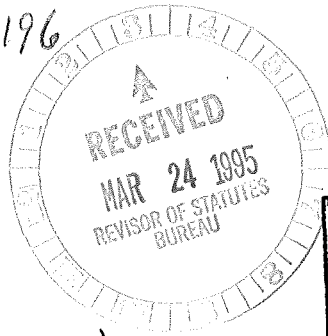


CR 94-196



STATE OF WISCONSIN )  
OFFICE OF THE COMMISSIONER OF INSURANCE )

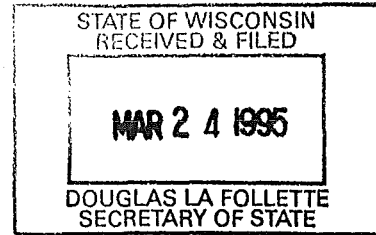
I, Josephine W. Musser, Commissioner of Insurance and custodian of the official records of this office, certify that the attached rule-making order affecting s. Ins. 17.275, Wis. Adm. Code, relating to disclosure of confidential claims information to the risk manager for the Patients Compensation Fund and prohibiting further disclosure, was issued by this office on \_\_\_\_\_.

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 23 day of March 1995.

*Josephine W. Musser*  
Josephine W. Musser  
Commissioner of Insurance

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ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE  
AND THE BOARD OF GOVERNORS OF THE PATIENTS COMPENSATION FUND  
CREATING A RULE

To create Ins 17.275 (3) (f), relating to disclosure of confidential claims information to the risk manager for the patients compensation fund and prohibiting further disclosure.

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ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE

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

Statutes interpreted: ss. 19.35 (1) (a), 19.85 (1) (f), 146.82 and 655.27 (4) (b), Stats.

The patients compensation fund (fund) contracts with an insurer or other business entity to provide risk management services. This rule permits the contractor to have access to the claim files of the fund and the Wisconsin health care liability insurance plan (plan), as needed to perform its duties. It also prohibits the risk manager from disclosing to a 3rd party any confidential claims information from a claim file to which it has access, without the board's express authorization. If a claim file includes patient health care records, the board may authorize their disclosure only if permitted under the laws governing the confidentiality of those records.

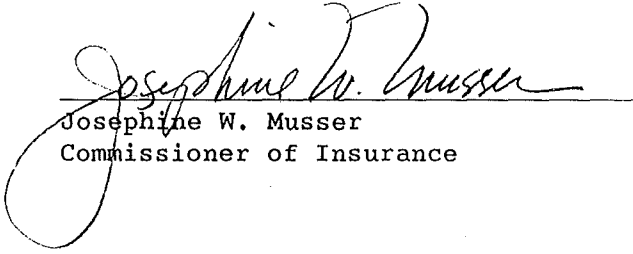
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SECTION 1. Ins 17.275 (3) (f) is created to read:

Ins 17.275 (3) (f) To the risk manager for the fund, as needed to perform the duties specified in its contract. The risk manager may not disclose confidential claims information to any 3rd party, unless the board expressly authorizes the disclosure. The board may authorize disclosure of patient health care records subject to ss. 146.81 to 146.84, Stats., only as provided in those sections.

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

Dated at Madison, Wisconsin, this 23 day of March 1995.

  
Josephine W. Musser  
Commissioner of Insurance

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03/23/95