

Clearinghouse Rule 13-044

STATE OF WISCONSIN

OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)

★★★ NOTICE OF RULEMAKING HEARING ★★★

NOTICE IS HEREBY GIVEN that pursuant to the authority granted under s. 601.41(3), Stats., and the procedures set forth in under s. 227.18, and 227.24, Stats., OCI will hold a public hearing to consider the emergency rule issued on June 12, 2013 and the adoption of the attached proposed rulemaking order affecting section Ins 17.01 (3), 17.28 (3) (c) and (6), Wis. Adm. Code, relating to Injured Patients and Families Compensation Fund Annual fund and Mediation Panel Fees and ISO code amendments for the fiscal year beginning July 1, 2013 and affecting small business.

**HEARING INFORMATION**

**Date: July 23, 2013**

**Time: 1:30 p.m., or as soon thereafter as the matter may be reached**

**Place: OCI, Room 227, 125 South Webster St 2<sup>nd</sup> Floor, Madison, WI**

Written comments can be mailed to:

Julie E. Walsh  
Legal Unit - OCI Rule Comment for Rule Ins 1728  
Office of the Commissioner of Insurance  
PO Box 7873  
Madison WI 53707-7873

Written comments can be hand delivered to:

Julie E. Walsh  
Legal Unit - OCI Rule Comment for Rule Ins 1728  
Office of the Commissioner of Insurance  
125 South Webster St – 2<sup>nd</sup> Floor  
Madison WI 53703-3474

Comments can be emailed to:

Julie E. Walsh  
julie.walsh@wisconsin.gov

Comments submitted through the Wisconsin Administrative Rule Web site at: <http://adminrules.wisconsin.gov> on the proposed rule will be considered.

The deadline for submitting comments is 4:00 p.m. on the 14<sup>th</sup> day after the date for the hearing stated in this Notice of Hearing.

**SUMMARY OF PROPOSED RULE & FISCAL ESTIMATE**

For a summary of the rule see the analysis contained in the attached proposed rulemaking order. There will be no state or local government fiscal effect. The full text of the proposed changes, a summary of the changes and the fiscal estimate are attached to this Notice of Hearing.

## **INITIAL REGULATORY FLEXIBILITY ANALYSIS**

This rule does not impose any additional requirements on small businesses.

Notice is hereby further given that pursuant to s. 227.114, Stats., the proposed rule may have an effect on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected:  
Small businesses that employ physicians or other health care professionals participating in the fund.
- b. Description of reporting and bookkeeping procedures required:  
None beyond those currently required.
- c. Description of professional skills required:  
None beyond those currently required.

## **OCI SMALL BUSINESS REGULATORY COORDINATOR**

The OCI small business coordinator is Louie Cornelius and may be reached at phone number (608) 264-8113 or by email at [Louie.Cornelius@wisconsin.gov](mailto:Louie.Cornelius@wisconsin.gov).

## **CONTACT PERSON**

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the OCI internet Web site at <http://oci.wi.gov/ocirules.htm> or by contacting Inger Williams, Public Information and Communications, OCI, at: [inger.williams@wisconsin.gov](mailto:inger.williams@wisconsin.gov), (608) 264-8110, 125 South Webster Street – 2<sup>nd</sup> Floor, Madison WI or PO Box 7873, Madison WI 53707-7873.

## PROPOSED ORDER AMENDING, REPEALING AND CREATING A RULE.

### Office of the Commissioner of Insurance

**Rule No. 042-13:** To amend s. Ins 17.01 (3), and 17.28 (3) (c) and to repeal and recreate s. Ins 17.28 (6), Wis. Admin. Code.

**Relating to:** Injured Patients and Families Compensation Fund Annual Fund and Mediation Panel Fees, and ISO code amendments for the fiscal year beginning July 1, 2013, and affecting small business.

The statement of scope for this rule SS 042-13, was approved by the Governor on April 16, 2013, published in Register No. 688, on April 30, 2013, and approved by the Commissioner on May 10, 2013.

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#### ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)

**1. Statutes interpreted:**

ss. 655.27 (3), and 655.61, Wis. Stats.

**2. Statutory authority:**

ss. 601.41 (3), 655.004, 655.27 (3) (b), and 655.61, Wis. Stats.

**3. Explanation of OCI's authority to promulgate the proposed rule:**

The injured patients and families compensation fund ("fund"), was established by and operated under Ch. 655, Stats. The commissioner of insurance with approval of the board of governors ("board") is required to annually set the fees for the fund and the medical mediation panel by administrative rule. The proposed fees comply with the limitation delineated in s. 655.27 (3) (br), Stats. Section 655.04, Stats., provides that the director of state courts and the commissioner may promulgate rules necessary to enable them to perform their responsibilities under this chapter. Pursuant to s. 655.27 (3) (b), Stats., the commissioner, after approval by the board, shall by rule set the fees to the fund and s. 655.61, Stats., requires the board, by rule, to set the fees charged to health care providers at a level sufficient to provide the necessary revenue to fund the medical mediation panels. Further, s. 601.41 (3), Stats., provides that the commissioner shall have rule-making authority pursuant to s. 227.11 (2), Stats.

**4. Related statutes or rules:**

None.

**5. Plain language analysis:**

This proposed rule establishes the fees that participating health care providers must pay to the fund for the fiscal year beginning July 1, 2013. These fees represent a 5% decrease from fees paid for the 2012-2013 fiscal year. The board approved

these fees at its meeting on December 19, 2012, based on the recommendation of the board's actuarial and underwriting committee and reports of the fund's actuaries.

The board is also required to promulgate by rule the annual fees for the operation of the injured patients and families compensation medical mediation system, based on the recommendation of the director of state courts. The recommendation of the director of state courts was reviewed by the board's actuarial and underwriting committee. This rule implements the funding level approved by the board on March 20, 2013 by establishing mediation panel fees for the next fiscal year at \$0 for physicians and \$0 per occupied bed for hospitals, representing a decrease of \$22.50 per physician and a decrease of \$4.50 per occupied bed for hospitals from 2012-13 fiscal year mediation panel fees.

Finally this rule includes changes to the Insurance Services Office (ISO) code listing to address corrections to several classification specialties as well as new classification specialties. ISO codes are the numerical designation for a health care provider's specialty and are used to classify the provider for assessment purposes. Errors identified in the ISO codes or specialty narratives for three specialties have been corrected. A third specialty had duplicate listings resulting in the exclusion of another specialty which has now been added. The Doctor of Osteopathy (D.O.) designated ISO codes have been added for two specialties previously listed only under the Doctor of Medicine (M.D.) ISO codes.

**6. Summary of and comparison with any existing or proposed federal statutes and regulations:**

To the fund board's and OCI's knowledge there is no existing or proposed federal regulation that is intended to address fund rates, administration or to fund medical mediation panel activities.

**7. Comparison with rules in adjacent states:**

To the fund board's and OCI's knowledge there are no similar rules in the adjacent states to compare this rule to as none of adjacent states have a fund created by statute where rates are directed to be established yearly by rule as is true in Wisconsin.

**8. A summary of the factual data and analytical methodologies that OCI used in support of the proposed rule:**

None. This rule establishes annual fund fees pursuant to the requirements of the above-noted Wisconsin statutes. The recommendation to the board regarding the fund fee and the medical mediation panel assessment is developed and reviewed annually by the fund's actuaries and the board's actuarial and underwriting committee. The actuarial and underwriting committee after review and discussion with the fund's actuaries present the information and the actuaries report to the board for consideration. This proposed rule reflects the rates approved by the board at the December 19, 2012 and March 20, 2013 board meetings.

**9. Analysis and supporting documentation that OCI used in support of OCI's determination of the rule's effect on small business or in preparation of an economic impact analysis:**

This decrease in fund fees will have a positive effect on small businesses in Wisconsin, particularly those that employ physicians and other health care

professionals. The mediation panel fee is assessed only on physicians and hospitals, not on corporations or other health care entities that will also benefit from the reduction to zero fees for fiscal year 2014. The fund fee decrease will affect only those small businesses that pay the fund fees and mediation panel fees on behalf of their employed physicians. The fund fee decrease will not have a significant effect nor should it negatively affect the small business's ability to compete with other providers.

**10. Effect on small business:**

This rule will have little or no effect on small businesses. The decrease contained in the proposed rule will require providers to pay reduced fund fees which will decrease the operational expenses for the providers. The decrease in fees promulgated by this rule should not result in a significant fiscal effect on the private sector.

**11. A copy of any comments and opinion prepared by the Board of Veterans Affairs under s. 45.03 (2m), Stats., for rules proposed by the Department of Veterans Affairs.**

None.

**12. Agency contact person:**

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the Web site at: <http://oci.wi.gov/ocirules.htm>

or by contacting Inger Williams, OCI Services Section, at:

Phone: (608) 264-8110  
Email: [inger.williams@wisconsin.gov](mailto:inger.williams@wisconsin.gov)  
Address: 125 South Webster St – 2<sup>nd</sup> Floor, Madison WI 53703-3474  
Mail: PO Box 7873, Madison, WI 53707-7873

**13. Place where comments are to be submitted and deadline for submission:**

The deadline for submitting comments is 4:00 p.m. on the 14<sup>th</sup> day after the date for the hearing stated in the Notice of Hearing.

Mailing address:

Julie E. Walsh  
Legal Unit - OCI Rule Comment for Rule Ins 1701  
Office of the Commissioner of Insurance  
PO Box 7873  
Madison WI 53707-7873

Street address:

Julie E. Walsh  
Legal Unit - OCI Rule Comment for Rule Ins 1701  
Office of the Commissioner of Insurance  
125 South Webster St – 2<sup>nd</sup> Floor  
Madison WI 53703-3474

Email address:

Julie E. Walsh  
[Julie.Walsh@wisconsin.gov](mailto:Julie.Walsh@wisconsin.gov)

**The proposed rule changes are:**

**SECTION 1. Ins 17.01 (3) is amended to read:**

Ins 17.01 (3) FEE SCHEDULE. The following fee schedule shall be effective July 1, ~~2012~~ 2013:

- (a) For physicians-- ~~\$22.50~~\$0.
- (b) For hospitals, per occupied bed-- ~~\$4.50~~\$0.

**SECTION 2. Ins 17.28 (3) (c) 1., 2., and 3., are amended to read:**

Ins 17.28 (3) (c) 1. Class 1:

Administrative Medicine	80120
Aerospace Medicine	80230
Allergy	80254
Allergy (D.O.)	84254
Cardiovascular Disease—no surgery or catheterization	80255
Cardiovascular Disease—no surgery or catheterization (D.O.)	84255
Dermatology—no surgery	80256
Dermatology—no surgery (D.O.)	84256
Diabetes—no surgery	80237
Endocrinology—no surgery	80238
Endocrinology—no surgery (D.O.)	84238
Family or General Practice—no surgery	80420
Family or General Practice—no surgery (D.O.)	84420
Forensic Medicine—Legal Medicine	80240
Forensic Medicine—Legal Medicine (D.O.)	84240
Gastroenterology—no surgery	80241
Gastroenterology—no surgery (D.O.)	84241
General Preventive Medicine—no surgery	80231
General Preventive Medicine—no surgery (D.O.)	84231
Geriatrics—no surgery	80243
Geriatrics—no surgery (D.O.)	84243
Gynecology—no surgery	80244
Gynecology—no surgery (D.O.)	84244
Hematology—no surgery	80245
Hematology—no surgery (D.O.)	84245
Hypnosis	80232
Infectious Diseases—no surgery	80246

Infectious Diseases—no surgery (D.O.)	84246	
Internal Medicine—no surgery	80257	
Internal Medicine—no surgery (D.O.)	84257	
Laryngology—no surgery	80258	
Manipulator (D.O.)	84801	
Neoplastic Disease—no surgery	80259	
Nephrology—no surgery	80260	
Nephrology – no surgery (D.O.)	84260	
Neurology—no surgery	80261	
Neurology—no surgery (D.O.)	84261	
Nuclear Medicine	80262	
Nuclear Medicine (D.O.)	84262	
Nutrition	80248	
Occupation Medicine	80233	
Occupation Medicine (D.O.)	84233	
Oncology – no surgery	80302	
Oncology – no surgery (D.O.)	84302	
Ophthalmology—no surgery	80263	
Ophthalmology—no surgery (D.O.)	84263	
Osteopathy—manipulation only	84801	
Otology – no surgery	<del>80247</del>	<u>80264</u>
Otorhinolaryngology—no surgery	80265	
Otorhinolaryngology—no surgery (D.O.)	84265	
Pain Management – no surgery	80208	
Pain Management – no surgery (D.O.)	84208	
Pathology—no surgery	80266	
Pathology—no surgery (D.O.)	84266	
Pediatrics—no surgery	80267	
Pediatrics—no surgery (D.O.)	84267	
Pharmacology—Clinical	80234	
Physiatry—Physical Medicine (D.O.)	84235	
Physiatry—Physical Medicine & Rehabilitation	80235	
Physicians—no surgery	80268	
Physicians—no surgery (D.O.)	84268	
Psychiatry	80249	
Psychiatry—(D.O.)	84249	
Psychoanalysis	80250	
Psychosomatic Medicine	80251	
Psychosomatic Medicine (D.O.)	84251	
Public Health	80236	
Pulmonary Disease—no surgery	80269	
Pulmonary Disease—no surgery (D.O.)	84269	
Radiology—diagnostic	80253	
Radiology—diagnostic (D.O.)	84253	
Radiopaque dye	80449	
Radiopaque dye (D.O.)	84449	
Rheumatology—no surgery	80252	
Rheumatology—no surgery (D.O.)	84252	
Rhinology – no surgery	<del>80264</del>	<u>80247</u>
Shock Therapy	80431	
Shock Therapy (D.O.)	84431	

Shock Therapy—insured	80162
Urgent Care—Walk-in or After Hours	80424
Urgent Care—Walk-in or After Hours (D.O.)	84424
Urology— <u>no surgery</u>	80121

2. Class 2:

Acupuncture	80437
Acupuncture (D.O.)	84437
Anesthesiology	80151
Anesthesiology (D.O.)	84151
Angiography-Arteriography—catheterization	80422
Angiography-Arteriography—catheterization (D.O.)	84422
Broncho-Esophagology	80101
Cardiovascular Disease—minor surgery	80281
Cardiovascular Disease—minor surgery (D.O.)	84281
Colonoscopy-ERCP-Pneu or mech esoph dil (D.O.)	84443
Colonoscopy-ERCP-pneu. or mech.	80443
Dermatology—minor surgery	80282
Dermatology – minor surgery (D.O.)	84282
Diabetes – minor surgery	80271
<del>Dermatology</del> Diabetes—minor surgery (D.O.)	<del>84282</del> <u>84271</u>
Emergency Medicine—No Major Surgery	80102
Emergency Medicine—No Major Surgery (DO)	84102
Employed Physician or Surgeon	80177
Employed Physician or Surgeon (D.O.)	84177
Endocrinology—minor surgery	80272
Endocrinology—minor surgery (D.O.)	84272
Family Practice—and general practice minor surgery—No OB	80423
Family Practice—and general practice minor surgery—No OB (D.O.)	84423
Family or General Practice—including OB	80421
Family or General Practice – including OB (D.O.)	84421
Gastroenterology—minor surgery	80274
Gastroenterology—minor surgery (D.O.)	84274
Geriatrics—minor surgery	80276
Geriatrics—minor surgery (D.O.)	84276
Gynecology—minor surgery	80277
Gynecology—minor surgery (D.O.)	84277
Hematology—minor surgery	80278
Hematology—minor surgery (D.O.)	84278
Hospitalist	80296
Hospitalist (D.O.)	84296
Infectious Diseases—minor surgery	80279
Intensive Care Medicine	80283
Intensive Care Medicine (D.O.)	84283



Internal Medicine—minor surgery	80284
Internal Medicine—minor surgery (D.O.)	84284
Laparoscopy	80440
Laparoscopy (D.O.)	84440
Laryngology—minor surgery	80285
Myelography – Discogram-Pneumoencephalo	80428
Myelography-Discogram-Pneumoencephalo (D.O.)	84428
Needle Biopsy	80446
Needle Biopsy (D.O.)	84446
Nephrology—minor surgery	80287
Neonatology	80298
Neonatology (D.O.)	84298
Neoplastic Disease—minor surgery	80286
Neurology—minor surgery	80288
Neurology—minor surgery (D.O.)	84288
Oncology – minor surgery	80301
Oncology – minor surgery (D.O.)	84301
Ophthalmology—minor surgery	80289
Ophthalmology—minor surgery (D.O.)	84289
Otology – minor surgery	80290
Otorhinolaryngology—minor surgery	80291
Otorhinolaryngology—minor surgery (D.O.)	84291
Pain Management – Basic procedures	80182
Pain Management – Basic procedures (D.O.)	84182
Pathology—minor surgery	80292
Pathology—minor surgery (D.O.)	84292
Pediatrics—minor surgery	80293
Pediatrics—minor surgery (D.O.)	84293
Phlebography-Lymphangeography	80434
Phlebography-Lymphangeography (D.O.)	84434
Physicians—minor surgery	80294
Physicians – minor surgery (D.O.)	84294
Radiation Therapy—lasers	80425
Radiation Therapy—lasers (D.O.)	84425
Radiation Therapy – other than lasers	80165
Radiology—diagnostic-interventional procedures	80280
Radiology—diagnostic-interventional procedures (D.O.)	84280
Rhinology – minor surgery	80270
Surgery—Colon & Rectal	80115
Surgery —Endocrinology	80103
Surgery—Gastroenterology	80104
Surgery – Gastroenterology (D.O.)	84104
Surgery—General Practice or Family Practice	80117
Surgery—General Practice or Family Practice (D.O.)	84117
Surgery—Geriatrics	80105
Surgery—Neoplastic	80107
Surgery—Nephrology	80108

Surgery—Ophthalmology	80114
<u>Surgery—Ophthalmology (D.O.)</u>	<u>84114</u>
Surgery—Urological	80145
Surgery—Urological (D.O.)	84145

3. Class 3:

Emergency Medicine—includes major surgery	80157
Emergency Medicine—includes major surgery (D.O.)	84157
Otology—surgery	80158
Radiation Therapy – employed physician	80163
Radiation Therapy – employed physician (D.O.)	84163
Shock Therapy – employed physician	80161
Shock Therapy – employed physician (D.O.)	84161
Surgery—Abdominal	80166
Surgery – Bariatrics	80476
Surgery – Bariatrics (D.O.)	84476
Surgery—Cardiac	80141
Surgery—Cardiovascular Disease	80150
Surgery—Cardiovascular Disease (D.O.)	84150
Surgery—General	80143
Surgery—General (D.O.)	84143
Surgery—Gynecology	80167
Surgery—Gynecology (D.O.)	84167
Surgery—Hand	80169
Surgery—Head & Neck	80170
Surgery – Laryngology	80106
Surgery—Orthopedic	80154
Surgery—Orthopedic (D.O.)	84154
Surgery—Otorhinolaryngology-no plastic surgery	80159
Surgery—Plastic	80156
Surgery—Plastic (D.O.)	84156
Surgery—Plastic-Otorhinolaryngology	80155
Surgery—Plastic-Otorhinolaryngology (D.O.)	84155
Surgery—Rhinology	80160
Surgery—Thoracic	80144
Surgery—Thoracic (D.O.)	84144
Surgery—Traumatic	80171
<u>Surgery—Traumatic (D.O.)</u>	<u>84171</u>
Surgery—Vascular	80146
Surgery – Vascular (D.O.)	84146
Weight Control—Bariatrics	80180

**SECTION 3. Ins 17.28 (6) is repealed and recreated to read:**

(6) FEE SCHEDULE. The following fee schedule is in effect from July 1, 2013 to June 30, 2014:

(a) Except as provided in pars. (b) to (f) and sub. (6e), for a physician for whom this state is a principal place of practice:

Class 1.... \$1,457	Class 3....\$ 5,828
Class 2.... \$2,623	Class 4....\$9,616

(b) For a resident acting within the scope of a residency or fellowship program:

Class 1..... \$ 729	Class 3....\$2,916
Class 2..... \$1,312	Class 4....\$4,811

(c) For a resident practicing part-time outside the scope of a residency or fellowship program:

All classes.....	\$874
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(d) For a Medical College of Wisconsin, Inc., full-time faculty member:

Class 1..... \$ 583	Class 3... . \$2,332
Class 2.....\$1,049	Class 4... . \$3,848

(e) For physicians who practice part-time:

1. For a physician who practices fewer than 500 hours during the fiscal year, limited to office practice and nursing home and house calls, and who does not practice obstetrics or surgery or assist in surgical procedures:..\$ 364

2. For a physician who practices 1040 hours or less during the fiscal year, including those who practice fewer than 500 hours during the fiscal year whose practice is not limited to office practice, nursing homes or house calls or who do practice obstetrics, surgery or assist in surgical procedures:

Class 1.....\$ 874	Class 3....\$3,496
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Class 2.....\$1,573                      Class 4....\$5,768

(f) For a physician for whom this state is not a principal place of practice:

Class 1.....\$ 729                      Class 3....\$2,916

Class 2.....\$1,312                      Class 4....\$4,811

(g) For a nurse anesthetist for whom this state is a principal place of practice:

\$ 358

(h) For a nurse anesthetist for whom this state is not a principal place of practice:.....\$ 179

(i) For a hospital, all of the following fees:

1. Per occupied bed.....\$ 87

2. Per 100 outpatient visits during the last calendar year for which totals are available:.....\$ 4.35

(j) For a nursing home, as described under s. 655.002 (1) (j), Stats., that is wholly owned and operated by a hospital and that has health care liability insurance separate from that of the hospital by which it is owned and operated:

Per occupied bed.....\$ 17

(k) For a partnership comprised of physicians or nurse anesthetists, organized for the primary purpose of providing the medical services of physicians or nurse anesthetists, all of the following fees:

1. a. If the total number of partners and employed physicians and nurse anesthetists is from 2 to 10.....\$ 51

b. If the total number of partners and employed physicians and nurse anesthetists is from 11 to 100.....\$ 503

c. If the total number of partners and employed physicians and nurse anesthetists exceeds 100.....\$1,252

2. The following fee for each full-time equivalent allied health care professional employed by the partnership as of the most recent completed survey submitted:

<u>Employed Health Care Professionals</u>	<u>Fund Fee</u>
Nurse Practitioners.....	\$ 364
Advanced Nurse Practitioners.....	510
Nurse Midwives.....	3,205
Advanced Nurse Midwives.....	3,351
Advanced Practice Nurse Prescribers.....	510
Chiropractors.....	583
Dentists.....	291
Oral Surgeons.....	2,186
Podiatrists-Surgical.....	6,192
Optometrists.....	291
Physician Assistants.....	291

(L) For a corporation, including a service corporation, with more than one shareholder organized under ch. 180, Stats., for the primary purpose of providing the medical services of physicians or nurse anesthetists, all of the following fees:

1. a. If the total number of shareholders and employed physicians and nurse anesthetists is from 2 to 10.....\$ 51
  - b. If the total number of shareholders and employed physicians and nurse anesthetists is from 11 to 100.....\$ 503
  - c. If the total number of shareholders and employed physicians or nurse anesthetists exceeds 100.....\$1,252

2. The following fee for each full-time equivalent allied health care professional employed by the corporation as of the most recent completed survey submitted:

<u>Employed Health Care Professionals</u>	<u>Fund Fee</u>
Nurse Practitioners.....	\$ 364
Advanced Nurse Practitioners.....	510
Nurse Midwives.....	3,205
Advanced Nurse Midwives.....	3,351
Advanced Practice Nurse Prescribers.....	510
Chiropractors.....	583
Dentists.....	291
Oral Surgeons.....	2,186
Podiatrists-Surgical.....	6,192
Optometrists.....	291
Physician Assistants.....	291

(m) For a corporation organized under ch. 181, Stats., for the primary purpose of providing the medical services of physicians or nurse anesthetists, all of the following fees:

1. a. If the total number of employed physicians and nurse anesthetists is from 1 to 10.....\$ 51
- b. If the total number of employed physicians and nurse anesthetists is from 11 to 100.....\$ 503
- c. If the total number of employed physicians or nurse anesthetists exceeds 100.....\$1,252

2. The following fee for each full-time equivalent allied health care professional employed by the corporation as of the most recent completed survey submitted:

<u>Employed Health Care Professionals</u>	<u>Fund Fee</u>
Nurse Practitioners .....	\$ 364
Advanced Nurse Practitioners.....	510

Nurse Midwives.....	3,205
Advanced Nurse Midwives.....	3,351
Advanced Practice Nurse Prescribers.....	510
Chiropractors.....	583
Dentists.....	291
Oral Surgeons.....	2,186
Podiatrists-Surgical.....	6,192
Optometrists.....	291
Physician Assistants .....	291

(n) For an operational cooperative sickness care plan as described under s. 655.002 (1)

(f), Stats., all of the following fees:

1. Per 100 outpatient visits during the last calendar year for which totals are available.....\$0.11

2. 2.5% of the total annual fees assessed against all of the employed physicians.

3. The following fee for each full-time equivalent allied health care professional employed by the operational cooperative sickness plan as of the most recent completed survey submitted:

<u>Employed Health Care Professionals</u>	<u>Fund Fee</u>
Nurse Practitioners.....	\$ 364
Advanced Nurse Practitioners.....	510
Nurse Midwives.....	3,205
Advanced Nurse Midwives.....	3,351
Advanced Practice Nurse Prescribers.....	510
Chiropractors.....	583
Dentists.....	291
Oral Surgeons.....	2,186

Podiatrists-Surgical.....	6,192
Optometrists.....	291
Physician Assistants.....	291

(o) For a freestanding ambulatory surgery center, as defined in s. DHS 120.03 (13), per 100 outpatient visits during the last calendar year for which totals are available:.....\$22.73

(p) For an entity affiliated with a hospital, the greater of \$100 or whichever of the following applies:

1. 7.0% of the amount the entity pays as premium for its primary health care liability insurance, if it has occurrence coverage.

2. 10.0% of the amount the entity pays as premium for its primary health care liability insurance, if it has claims-made coverage.

(q) For an organization or enterprise not specified as a partnership or corporation that is organized and operated in this state for the primary purpose of providing the medical services of physicians or nurse anesthetists, all of the following fees:

1. a. If the total number of employed physicians and nurse anesthetists is from 1 to 10.....\$ 51

b. If the total number of employed physicians and nurse anesthetists is from 11 to 100.....\$ 503

c. If the total number of employed physicians or nurse anesthetists exceeds 100.....\$1,252

2. The following for each full-time equivalent allied health care professional employed by the organization or enterprise not specified as a partnership, corporation, or an operational cooperative health care plan as of the most recent completed survey submitted:

Employed Health Care Professionals      Fund Fee



Nurse Practitioners.....	\$ 364
Advanced Nurse Practitioners.....	510
Nurse Midwives.....	3,205
Advanced Nurse Midwives.....	3,351
Advanced Practice Nurse Prescribers.....	510
Chiropractors.....	583
Dentists.....	291
Oral Surgeons.....	2,186
Podiatrists-Surgical.....	6,192
Optometrists.....	291
Physician Assistants.....	291

**SECTION 4.** These changes may be enforced under s. Ins 17.01 (2) (d) and (e).

**SECTION 5. EFFECTIVE DATE.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 7<sup>th</sup> day of June, 2013.

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Theodore K. Nickel  
Commissioner of Insurance

**Office of the Commissioner of Insurance  
Fiscal Estimate**

for Section Ins 17.01, 17.28 (3) (c) and (6) relating to Injured Patients and Families Compensation Fund Annual fund and Mediation Panel Fees and ISO code amendments for the fiscal year beginning July 1, 2013 and affecting small business

This rule change will have no significant effect on the private sector as this proposed rule reduces fees to participants in the fund and reduces mediation panel fees to zero. The fund is a segregated account and does not impact state funds. The rule decreases fees and therefore does not have an effect on county, city, village, town, school district, technical college district and sewerage district fiscal liabilities and revenues.

**ADMINISTRATIVE RULES – FISCAL ESTIMATE**

**1. Fiscal Estimate Version**

Original  Updated  Corrected

**2. Administrative Rule Chapter Title and Number**

**INS 1728**

**3. Subject**

Injured Patients and Families Compensation Fund Annual fund and Mediation Panel Fees and ISO code amendments for the fiscal year beginning July 1, 2013 and affecting small business

**4. State Fiscal Effect:**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Existing Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Existing Revenues	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No May be possible to absorb within agency's budget.
		<input type="checkbox"/> Decrease Costs

**5. Fund Sources Affected:**

GPR  FED  PRO  PRS  SEG  SEG-S

**6. Affected Ch. 20, Stats. Appropriations:**

None

**7. Local Government Fiscal Effect:**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Decrease Costs

**8. Local Government Units Affected:**

Towns  Villages  Cities  Counties  School Districts  WTCS Districts  Others: None

**9. Private Sector Fiscal Effect (small businesses only):**

<input checked="" type="checkbox"/> No Fiscal Effect	<input type="checkbox"/> Increase Revenues	<input type="checkbox"/> Increase Costs
<input type="checkbox"/> Indeterminate	<input checked="" type="checkbox"/> Decrease Revenues	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No May have significant economic impact on a substantial number of small businesses
	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No May have significant economic impact on a substantial number of small businesses	<input type="checkbox"/> Decrease Costs

**10. Types of Small Businesses Affected:**

Small businesses that employ physicians or other health care professionals participating in the Fund.

**11. Fiscal Analysis Summary**

No significant impact. Slight decrease in fund fees and zero medical mediation fees.

**12. Long-Range Fiscal Implications**

None

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14. Name – Analyst Reviewer	Telephone Number	Date
Signature—Secretary or Designee	Telephone Number (608) 267-3782	Date June 7, 2013