



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

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Report From Agency

REPORT ON Section Ins 17.01 and 17.28 (6), Wis. Adm.
Code, relating to the Injured Patients and Families
Compensation Fund annual fund and mediation panel fees
for the fiscal year beginning July 1, 2015 and affecting
small business

Clearinghouse Rule No. 15-046

Submitted Under s. 227.19 (3), Stats.

(The proposed rule-making order is attached.)

(a) A detailed statement of basis for the proposed rule and how the rule advances relevant statutory goals or purposes:

The commissioner of insurance with approval of the board of governors (board) for the injured patients and families compensation fund (fund) is required to annually set the fees for the fund and the medical mediation panel fees by administrative rule. The proposed rule sets the fees to the fund pursuant to s. 655.27 (3) (b), Wis. Stats., and establishes the fees to be charged to health care providers at a level sufficient to provide the necessary revenue to fund the medical mediation panel in accordance with s. 655.61, Wis. Stat. The proposed rule complies with these requirements and does not exceed the statutory authority or original statement of scope. The fees for the fund are based upon the recommendation of the board's actuarial and underwriting committee and reports of the fund's actuaries. The recommended fees for the fund are developed by the board's actuarial firm based upon delineated assumptions and trending data. The amounts of the fees for any fiscal year are calculated to be sufficient to cover liabilities that arise during that fiscal year. The annual fees for the medical mediation panel is based upon the recommendation of the director of state courts, reviewed by the board's investment, finance and audit committee and approved by the board.

(b) Summary of the public comments and the agency's responses to those comments:

The fund received no comments at the rule hearing or during the comment period.

(c) An explanation of any modifications made in proposed rule as a result of public comments or testimony received at a public hearing:

None.

(d) Persons who appeared or registered regarding the proposed rule:

Appearances for:

None

Appearances against:

None

Appearances for information:

None

Registrations for:

None

Registrations against:

None

Registrations neither for nor against:

None

Letters received:

None

(e) An explanation of any changes made to the plain language analysis of the rule under s. 227.14 (2), Stats., or to any fiscal estimate prepared under s. 227.14 (4), Stats.

A clarification to the change in fees was added as requested by Legislative Council staff.

(f) The response to the Legislative Council staff recommendations indicating acceptance of the recommendations and a specific reason for rejecting any recommendation:

All comments were complied with and corrected.

(g) The response to the report prepared by the small business regulatory review board:

The small business regulatory review board did not prepare a report.

(h) Final Regulatory Flexibility Analysis

A Final Regulatory Flexibility Analysis is Not Required because the rule will not have a significant economic impact on a substantial number of small businesses as the fund fees are significantly decreased and the increase in medical mediation panel fees are low.

(i) Fiscal Effect

See fiscal estimate attached to proposed rule.

Attachment: Legislative Council Staff Recommendations