

ORDER REPEALING AND AMENDING A PERMANENT RULE

Office of the Commissioner of Insurance – Agency 145

The Office of the Commissioner of Insurance issues an order to repeal s. Ins 5.03 (5), and 5.17 (1) (a) 2., and to amend s. Ins 5.01 (1) and 5.17 (5) Wis. Adm. Code, relating to health insurance risk-sharing program.

The petition to repeal a rule on an expedited basis was submitted by the Commissioner on December 7, 2018, published in No. 756A3 on December 17, 2018. The Joint Committee for Review of Administrative Rule approved the petition on June 12, 2019.

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

Statutes interpreted:

Subch. III of ch. 227, s. 102.31 (4), 153.78, 601.41 (3), 601.44 (6), 601.62. Stats.

Statutory authority:

Sections 601.41 (3), Stats., and 2013 Wisconsin Acts 20 and 116.

Explanation of OCI's authority to promulgate the proposed rule under these statutes:

Section 601.41 (3) (a), Stats., grants the Commissioner "rule-making authority under s. 227.11 (2), Stats." Further, 2013 Wisconsin Acts 20 and 116 repealed the health insurance risk-sharing plan (HIRSP) thereby necessitating the commissioner to repeal references and requirements for the HIRSP program from the insurance regulations.

Related statutes or rules:

Sections 227.41, 227.44 and 601.41 (3), Stats.

The plain language analysis and summary of the proposed rule:

The proposed rule repeals ss. Ins 5.03 (5), and 5.17 (1) (a) 2., Wis. Adm. Code, relating to Wisconsin health insurance risk-sharing plan (HIRSP) and its governing board. The sections define the HIRSP board and identify how an action against the HIRSP board should be captioned. Additionally, ss. Ins 5.01 (1) and 5.17 (5) reference the HIRSP board for purposes of rule scope and service and filing information. These references should also be removed from the rule text.

The risk-sharing plan and its governing board were dissolved when the authorizing statutes were repealed by 2013 Wisconsin Acts 20 and 116. Therefore, OCI has determined that ss. Ins 5.03 (5), and

5.17 (1) (a) 2., should be repealed and ss. Ins 5.01 (1) and 5.17 (5) should be amended to remove reference to the HIRSP board as it no longer exists.

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The proposed rule changes are:

SECTION 1. Ins 5.01 (1) is amended to read:

s. Ins 5.01 (1) This chapter interprets subch. III of ch. 227, Stats., and ss. 102.31 (4), 153.78, 601.44 (6) and 601.62, Stats., and applies to administrative actions under the jurisdiction of the commissioner, ~~the HIRSP board~~ and the PCF board.

SECTION 2. Ins 5.03 (5), and 5.17 (1) (a) 2., are repealed.

SECTION 3. Ins 5.17 (5) is amended to read:

s. Ins 5.17 (5) ADDRESS. Unless otherwise ordered by the administrative law judge, the address for serving and filing documents with the office, the PCF Board, ~~the HIRSP board~~ or the administrative law judge is: Office of the Commissioner of Insurance Attn: Legal Unit, 125 South Webster Street Floor 2, P.O. Box 7873, Madison, WI 53707-7873. Facsimile transmission number: 608-264-6228.

SECTION 4. EFFECTIVE DATE. This rule is effective on the first day of the month commencing after the date of publication in the Wisconsin Administrative Register in accordance with s. 227.22 (2) (intro.), Stats.