



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Jim Doyle, Governor
Sean Dilweg, Commissioner

Wisconsin.gov

August 25, 2010

Legal Unit
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REPORT ON s. Ins 8.49, Wis. Adm. Code, relating to small employer uniform employee application for group health insurance

Clearinghouse Rule No. 10-067
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:

In accordance with s. 601.41 (8), Stats., the office is required to review and revise as necessary the uniform small employer application for group health insurance form at least once every two years in consultation with the health advisory council. Since last modified, the federal government has modified the Health Insurance Portability and Accountability Act (HIPAA) to include additional descriptive information for persons who are eligible for special election of coverage upon qualifying events including Medicaid premium assistance. Further due to passage of the Genetic Information Nondiscrimination Act of 2008 (Pub. L. No. 110-233) and the Children's Health Insurance Program Reauthorization Act of 2009 (Pub. L. No. 111-3), additional information is required to be contained in this application. The proposed rule is modified to reflect these changes.

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

Comment: Move III (d) as many applicants miss the question

Response: OCI has renumbered IV E to F and moved III (d) to IV E as renumbered

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

The OCI received one comment and moved the oft-missed question.

(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:

Phil Dougherty, Wisconsin Association of Health Plans
Vaughn Vance, WEA Insurance

Letters received:

Heidi Swan, Network Health Plan
Phil Dougherty, Wisconsin Association of Health Plans

(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.

Added the public law citation to the Genetic Information Nondiscrimination Act of 2008 and to the Children's Health Insurance Program Reauthorization Act of 2009.

(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.

(i) Fiscal Effect

See fiscal estimate attached to proposed rule.

Attachment: Legislative Council Staff Recommendations
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