

Ins 3

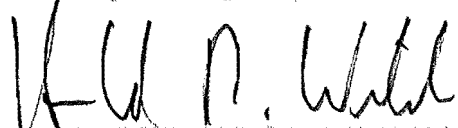
STATE OF WISCONSIN )  
 ) ss.  
OFFICE OF THE COMMISSIONER OF INSURANCE)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Harold E. Wilde, Commissioner of Insurance and custodian of the official records of said office, do hereby certify that the annexed order amending a rule relating to the Wisconsin health care liability insurance plan was issued by this office on August 31, 1977.

I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name in the City of Madison, State of Wisconsin, this 31st day of August, 1977.



Harold E. Wilde  
Commissioner of Insurance

RECEIVED  
AUG 31 1977  
9:16 am  
REVISOR OF STATUTES  
BUREAU *ckp*

STATE OF WISCONSIN  
DEPARTMENT OF STATE  
RECEIVED AND FILED

AUG 31 1977

DOUGLAS LAFOLLETTE  
SECRETARY OF STATE

ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE

AUG 31 1977

Amending Rules

DOUGLAS LAFOLLETTE  
SECRETARY OF STATE

Pursuant to authority vested in the Commissioner of Insurance by section 601.41 (3), Wis. Stats., the Commissioner of Insurance hereby amends a rule as follows:

Sections Ins 3.35 (1) (b) (first sentence), Ins 3.35 (2) (first sentence), Ins 3.35 (4) (c), Ins 3.35 (5) (a), Ins 3.35 (10) (a) and Ins 3.35 (15) are amended to read:

Ins 3.35 (1) (b) (first sentence) Health care liability insurance for medical or osteopathic physicians or podiatrists licensed under Chapter 448, Wis. Stats., and nurse anesthetists licensed under Chapter 441, Wis. Stats., who practice in this state and for operating cooperative sickness care plans organized under sections 185.981 to 185.985, Wis. Stats., which directly provide services in their own facilities with salaried employees, and for properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under Chapter 448, Wis. Stats., or for nurses licensed or to be licensed under Chapter 441, Wis. Stats., is not readily available in the voluntary market.

Ins 3.35 (2) (first sentence) PURPOSE. This rule is intended to implement and interpret Chapter 619, Wis. Stats., for the purpose of establishing procedures and requirements for a mandatory risk sharing plan to provide health care liability insurance coverage on a self-supporting basis for medical or osteopathic physicians or podiatrists licensed under Chapter 448, Wis. Stats., and nurse anesthetists licensed under Chapter 441, Wis. Stats., who practice in this state; for operating cooperative sickness care plans organized under sections 185.981 to 185.985, Wis. Stats., which

directly provide service in their own facilities with salaried employes, and for properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under Chapter 448, Wis. Stats., or for nurses licensed or to be licensed under Chapter 441, Wis. Stats.; and to provide health care liability insurance coverage and liability coverages normally incidental to health care liability insurance on a self-supporting basis for all hospitals as defined by sections 140.24 (1) (a) and (c), Wis. Stats., but excluding those facilities exempted by section 140.29 (3), Wis. Stats., except as otherwise provided herein, which operate in this state.

Ins 3.35 (4) (c) Health care liability insurance means insurance against loss, expense and liability resulting from errors, omissions or neglect in the performance of any professional service by any medical or osteopathic physician or podiatrist licensed under Chapter 448, Wis. Stats., and nurse anesthetists licensed under Chapter 441, Wis. Stats., who practice in this state; by operating cooperative sickness care plans organized under sections 185.981 to 185.985, Wis. Stats., which directly provide services in their own facilities with salaried employes; by properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under Chapter 448, Wis. Stats., or for nurses licensed or to be licensed under Chapter 441, Wis. Stats.; by all hospitals as defined by section 140.24 (1) (a) and (c), Wis. Stats., but excluding those facilities exempted by section 140.29 (3), Wis. Stats., except as otherwise provided; by those nursing homes as defined in section 146.30 (1) (a), Wis. Stats., whose functional operations are combined with a hospital as herein defined as a single entity, whether or not nursing home operations are physically separate from the hospital operations, which

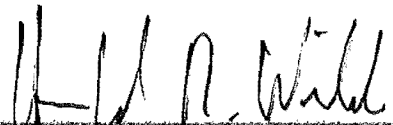
operate in this state; and by health care facilities owned or operated by a political subdivision of the state of Wisconsin.

Ins 3.35 (5) (a) All medical or osteopathic physicians or podiatrists licensed under Chapter 448, Wis. Stats., and nurse anesthetists licensed under Chapter 441, Wis. Stats., who practice in this state; operating cooperative sickness care plans organized under sections 185.981 to 185.985, Wis. Stats., which directly provide services in their own facilities with salaried employes; properly accredited teaching facilities conducting approved training programs for medical or osteopathic physicians licensed or to be licensed under Chapter 448, Wis. Stats., or for nurses licensed or to be licensed under Chapter 441, Wis. Stats.; all hospitals as defined by section 140.24 (1) (a) and (c), Wis. Stats., but excluding those facilities exempted by section 140.29 (3), Wis. Stats., except as otherwise provided herein; those nursing homes as defined in section 146.30 (1) (a), Wis. Stats., whose functional operations are combined with a hospital as herein defined as a single entity, whether or not the nursing home operations are physically separate from the hospital operations; and health care facilities owned or operated by a political subdivision of the state of Wisconsin, which operate in this state and are equitably entitled to but are otherwise unable to obtain suitable health care liability insurance in the voluntary market shall be eligible to apply for insurance under this Plan.

Ins 3.35 (10) Application for insurance. (a) Any medical or osteopathic physician, podiatrist, nurse anesthetist, operating cooperative sickness care plan, teaching facility, hospital, nursing home, or health care facility owned or operated by a political subdivision of the state of Wisconsin eligible for insurance under this plan may submit an application for insurance by the plan directly or through any licensed agent.

Ins 3.39 (15) Commission. Commission to the licensed agent designated by the applicant shall be \$125.00 for each new or renewal policy issued to medical or osteopathic physicians; \$15.00 for each new or renewal policy issued to podiatrists or nurse anesthetists; and 5% of the annual premium for each new or renewal policy issued to operating cooperative sickness care plans, or to teaching facilities, or to hospitals, or to health care facilities owned and operated by a political subdivision of the state of Wisconsin, not to exceed \$2,500.00 per policy period. The agent need not be licensed with the servicing company.

Dated at Madison, Wisconsin, this 31<sup>st</sup> day of August, 1977.

  
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Harold A. Wilde  
Commissioner of Insurance