



**ASSEMBLY AMENDMENT 16,
TO 1995 ASSEMBLY BILL 36**

January 31, 1995 - Offered by Representatives ROBSON, BALDUS, CULLEN, ZIEGELBAUER, NOTESTEIN, KRUG, R. YOUNG, MORRIS-TATUM, COGGS, RILEY, BALDWIN and PLOMBON.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 3: delete “awards and” and substitute “awards,”.

3 **2.** Page 1, line 4: after “authority” insert “and making an appropriation”.

4 **3.** Page 2, line 1: before that line insert:

5 “**SECTION 1c.** 15.405 (7) (c) of the statutes is repealed.

6 **SECTION 1f.** 20.145 (2) (u) of the statutes is amended to read:

7 20.145 (2) (u) *Administration.* From the patients compensation fund under s.
8 655.27 (3), the amounts in the schedule for administration, ~~except for costs of the~~
9 ~~patients compensation fund peer review council and its associated administrative~~
10 ~~costs assessed under s. 655.27 (3) (am).~~

11 **SECTION 1h.** 20.145 (2) (um) of the statutes is repealed.

12 **SECTION 1k.** 20.145 (2) (v) of the statutes is amended to read:

13 20.145 (2) (v) *Operations and benefits.* After deducting the amounts
14 appropriated under ~~pars. par.~~ (u) ~~and (um)~~, the balances of the moneys paid into the
15 patients compensation fund under s. 655.27 (3) to carry out the responsibilities of the
16 commissioner of insurance under s. 655.27, to make payments to the investment

1 board under s. 20.536 and, with respect to settlements, patients compensation panel
2 awards and judgments entered into or rendered before June 14, 1986, to pay future
3 medical expenses under s. 655.015.

4 **SECTION 1m.** 165.25 (6) (a) of the statutes is amended to read:

5 165.25 (6) (a) At the request of the head of any department of state government,
6 the attorney general may appear for and defend any state department, or any state
7 officer, employe or agent of the department in any civil action or other matter brought
8 before a court or an administrative agency which is brought against the state
9 department, or officer, employe or agent for or on account of any act growing out of
10 or committed in the lawful course of an officer's, employe's or agent's duties. Witness
11 fees or other expenses determined by the attorney general to be reasonable and
12 necessary to the defense in the action or proceeding shall be paid as provided for in
13 s. 885.07. The attorney general may compromise and settle the action as the attorney
14 general determines to be in the best interest of the state. Members, officers and
15 employes of the Wisconsin state agencies building corporation and the Wisconsin
16 state public building corporation are covered by this section. Members of the board
17 of governors created under s. 619.04 (3), and members of a committee or
18 subcommittee of that board of governors, ~~members of the patients compensation~~
19 ~~fund peer review council created under s. 655.275 (2) and persons consulting with~~
20 ~~that council under s. 655.275 (5) (b)~~ are covered by this section with respect to actions,
21 claims or other matters arising before, on or after April 25, 1990. The attorney
22 general may compromise and settle claims asserted before such actions or matters
23 formally are brought or may delegate such authority to the department of
24 administration. This paragraph may not be construed as a consent to sue the state
25 or any department thereof or as a waiver of state sovereign immunity.

1 **SECTION 1p.** 619.04 (5) (b) of the statutes is amended to read:

2 619.04 **(5)** (b) A rating plan which takes into consideration the loss and expense
3 experience of the individual health care provider which resulted in the payment of
4 money, by the plan or other sources, for damages arising out of the rendering of
5 health care by the health care provider or an employe of the health care provider,
6 ~~except that an adjustment to a health care provider's premiums may not be made~~
7 ~~under this paragraph prior to the receipt of the recommendation of the patients~~
8 ~~compensation fund peer review council under s. 655.275 (5) (a) and the expiration of~~
9 ~~the time period provided, under s. 655.275 (7), for the health care provider to~~
10 ~~comment or prior to the expiration of the time period under s. 655.275 (5) (a).~~

11 **SECTION 1q.** 619.04 (5m) (a) of the statutes is renumbered 619.04 (5m) and
12 amended to read:

13 619.04 **(5m)** Every rule under sub. (5) (b) shall provide for an automatic
14 increase in a health care provider's premiums, ~~except as provided in par. (b),~~ if the
15 loss and expense experience of the plan and other sources with respect to the health
16 care provider or an employe of the health care provider exceeds either a number of
17 claims paid threshold or a dollar volume of claims paid threshold, both as established
18 in the rule. The rule shall specify applicable amounts of increase corresponding to
19 the number of claims paid and the dollar volume of awards in excess of the respective
20 thresholds.

21 **SECTION 1r.** 619.04 (5m) (b) of the statutes is repealed.”.

22 **4.** Page 2, line 1: delete “**Section 1.**” and substitute “**Section 1w.**”.

23 **5.** Page 2, line 21: after that line insert:

24 “**SECTION 2d.** 655.27 (3) (a) 2m. of the statutes is amended to read:

1 655.27 (3) (a) 2m. The loss and expense experience of the individual health care
2 provider which resulted in the payment of money, from the fund or other sources, for
3 damages arising out of the rendering of medical care by the health care provider or
4 an employe of the health care provider, ~~except that an adjustment to a health care~~
5 ~~provider's fees may not be made under this subdivision prior to the receipt of the~~
6 ~~recommendation of the patients compensation fund peer review council under s.~~
7 ~~655.275 (5) (a) and the expiration of the time period provided, under s. 655.275 (7),~~
8 ~~for the health care provider to comment or prior to the expiration of the time period~~
9 ~~under s. 655.275 (5) (a).~~

10 **SECTION 2g.** 655.27 (3) (am) of the statutes is repealed.

11 **SECTION 2m.** 655.27 (3) (bg) 1. of the statutes is amended to read:

12 655.27 (3) (bg) 1. Every rule under par. (b) shall provide for an automatic
13 increase in a health care provider's fees, ~~except as provided in subd. 2.,~~ if the loss and
14 expense experience of the fund and other sources with respect to the health care
15 provider or an employe of the health care provider exceeds either a number of claims
16 paid threshold or a dollar volume of claims paid threshold, both as established in the
17 rule. The rule shall specify applicable amounts of increase corresponding to the
18 number of claims paid and the dollar volume of awards in excess of the respective
19 thresholds.”.

20 **SECTION 2p.** 655.27 (3) (bg) 2. of the statutes is repealed.

21 **SECTION 2s.** 655.275 of the statutes is repealed.”.

22 **6.** Page 4, line 20: after that line insert:

23 “**SECTION 8g.** 893.82 (2) (d) 3. of the statutes is amended to read:

