



JOINT COMMITTEE FOR THE REVIEW OF ADMINISTRATIVE RULES

COMMITTEE CO-CHAIRS: SENATOR STEVE NASS AND REPRESENTATIVE JOAN BALLWEG

June 12, 2019

Mark Afable, Commissioner-designee
Office of the Commissioner of Insurance
125 S. Webster St. (GEF 3)
P.O. Box 7873
Madison, WI 53707-7873

Dear Commissioner-designee Afable:

As co-chairs of the Joint Committee for Review of Administrative Rules (JCRAR), we are writing to notify you that the committee voted on June 12, 2019 to approve the Office of the Commissioner of Insurance's (OCI) petition for the repeal of the following unauthorized rules, as described in:

- CR 18-090 – the insurance security board membership.
- CR 18-091 – employee welfare funds.
- CR 18-092 – the Health Insurance Risk-Sharing Program (HIRSP).

Please feel free to contact us if you need addition information or details on the committee's action.

Sincerely,

Senator Steve Nass
Co-Chair, JCRAR

Rep. Joan Ballweg
Co-Chair, JCRAR

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STATE OF WISCONSIN

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OFFICE OF THE COMMISSIONER OF INSURANCE

I, Nathan D. Houdek, Deputy Commissioner of Insurance and custodian of the official records, certify that the annexed rule affecting sections Ins 5.03 (5) and 5.17 (1) (a) 2., Wis. Adm. Code, relating to health insurance risk-sharing program, is duly approved and adopted by this Office on February 20, 2020.

I further certify that I have compared this copy with the original on file in this Office and that it is a true copy of the original, and the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand at 125 South Webster Street, Madison, Wisconsin, on February 20, 2020.

[Handwritten signature]
Nathan D. Houdek
Deputy Commissioner of Insurance



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.

Agency contact person:

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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.

Dated at Madison, Wisconsin, this 18th day of February 2020.



Nathan D. Houdek
Deputy Commissioner