

In the Matter of:

**Wisconsin Association of
Nurse Anesthetists, Inc., Andrew Brown,
Jessica Tomasiewicz, Tricia Rocolle, and
Columbia Anesthesia LLC,**

NOTICE OF HEARING

Petitioners.

OCI Case No. 26-C47210

*** HEARING is scheduled:

DATE: **Thursday, September 3, 2026
at 10:00 am (central)**

PLACE: **Teleconference of the Office of the
Commissioner of Insurance**

Join by Teams:

<https://teams.microsoft.com/meet/231813205172744?p=Vv6kGjNHxOeXyUuyXp>

Meeting ID: 231 813 205 172 744

Passcode: q2KR3Cr3

Dial in by phone: 608-571-2209

Phone Conference ID: 249429809#

***** PLEASE READ THIS CAREFULLY *****

A class 3 hearing under Wis. Stat. ch. 227 and Wis. Admin. Code Ins ch. 5, will be held before Nicole Kuehl, duly appointed hearing examiner, at the time and place stated above, to be continued at any time and place the hearing examiner considers necessary, to consider the matters set forth in this Notice of Hearing.

The issues to be considered at the hearing are as follows:

(1) The applicability of Wis. Stat. ch. 655 and Wis. Admin. Code Ins ch. 17 to the specific facts set forth in the Petition upon the effective date of 2025 Wis. Act 17. Specifically, the Petition requests a declaratory ruling regarding:

- a) Whether a collaborating CRNA that is employed by a Participating Health Care Provider and similarly situated Collaborating CRNAs that practice in a Direct Employment Relationship is eligible for Fund coverage as an employee of the Participating Health Care Provider under Wis. Stat. §§ 655.005 and 655.27;

- b) Whether a Collaborating CRNA that contracts to provide anesthesia services for a Participating Health Care Provider and similarly situated Collaborating CRNAs that practice in a Contracting Relationship is an employee of the Participating Health Care Provider and is eligible for Fund coverage pursuant to Wis. Stat. §§ 655.005 and 655.27 through application of Wisconsin's borrowed employee doctrine as articulated in *Phelps v. Physicians Insurance Co. of Wisconsin, Inc.*, 2009 WI 74, 319 Wis. 2d 1, 768 N.W.2d 615; and
- c) Whether a CRNA Practice Group, and similarly situated CRNA practice groups, may have the "primary purpose of providing the medical services of ... advanced practice registered nurses" for purposes of Wis. Stat. § 655.002(1)(d), (e), or (em) if 50 percent or more of its partners, shareholders, members, or officers are CRNAs engaged in the "practice of a certified registered nurse anesthetist," as provided under Wis. Stat. § 441.001(3g), even if none of its partners, shareholders, members, or officers are Independent CRNAs.

Dated at Madison, Wisconsin, this 19th day of August, 2026.



Nicole Kuehl
Hearing Examiner