

Form Filing Checklist - Medical Malpractice*

See Ins 6.05, Wis. Adm. Code, For Requirements to File Insurance Forms

DISCLOSURE

The form filing checklists are intended only as guides for submitting various policy forms to the Office of the Commissioner of Insurance. The checklists are summaries, and are not intended as an OCI directive nor to interpret or address technical legal questions. Although efforts have been made to ensure that the checklists are current and accurate, information is subject to change on a regular basis without prior notice.

ALL P&C Coverages, applicable to Wisconsin, as set forth in the NAIC Uniform Property & Casualty Product Coding Matrix. The matrix can be found at https://www.naic.org/documents/industry_pcm_p_c_2019.pdf.

THE FOLLOWING CHECKLIST IS **IN ADDITION TO** THE P&C FORM FILING CHECKLIST WHICH CAN BE FOUND AT: <http://oci.wi.gov/ociforms/pcfcheck.pdf>

* These additional requirements only apply to policies covering a physician or nurse anesthetist as described in the Statutes. See s. 655, Wis. Stat., and s. Ins 17, Wis. Adm. Code.

(Unless otherwise noted, the citations referenced in the second column are Wisconsin statute numbers.)

Certain Medical Malpractice Policies* - Additional Policy Form Requirements	Reference	Comments
Supplementary expenses in addition to limits	655.24 (2) (a)	All policies must provide supplementary expenses, as stated in the statute, in addition to the limits.
No settlement rejection by health care provider	655.245	No policy may permit a health care provider to reject any settlement agreed upon between the claimant and the insurer.
Expenses incurred	Ins 17.35 (2) (e), Wis. Adm. Code	Expenses incurred (including interest) and defense expenses in addition to the limits.
Unlimited reporting endorsement required	Ins 17.35 (2) (g) 1 and 2, Wis. Adm. Code	Claims-made policies must provide an unlimited extension of coverage for medical providers whose policy is canceled or non-renewed for any reason.
Required notice to insured to purchase extended reporting endorsement	Ins 17.35 (2) (g) 3, Wis. Adm. Code	Claims-made policies must display a prominent notice that the insured has the obligation under s. 655.23 (3) (a), Wis. Stat., to purchase the extended reporting endorsement unless other insurance is available.
Required coverage	Ins 17.35 (2) (b) and (c), Wis. Adm. Code	Policies must include coverage for: 1) peer review, 2) accreditation and similar professional activities in conjunction with and incidental to the provisions of health care services, 3) utilization review, and 4) quality assurance, and similar professional activities in conjunction with and incidental to the provision of health care services.
Required limits for extended reporting endorsements	Ins 17.35 (2) (b), (c) and (d), Wis. Adm. Code	Depending on length of time coverage has been in force dictates limits required for extended reporting endorsements.
Permissible exclusions	Ins 17.35 (3) (a) thru (n), Wis. Adm. Code	Lists permissible exclusions.
Deductibles	Ins 17.35 (4) Wis. Adm. Code	If a policy contains a deductible, insurer must pay it first and then seek reimbursement from the insured.