



Wisconsin Office of the  
**COMMISSIONER**  
**OF INSURANCE**

Tony Evers, Governor of Wisconsin  
Nathan Houdek, Commissioner of Insurance

TO: Legislative Reference Bureau  
1 East Main Street, Suite 200  
Madison, WI 53701-2037

FROM: Lauren Van Buren, Chief Legal Counsel  
Office of the Commissioner of Insurance

DATE: January 25, 2024

SUBJECT: Section Ins 3.15, Wis. Adm. Code, to the inclusion of “veterans” as a category of  
“eligible risks” under INS 3.15 (4) (a)

Clearinghouse Rule No. 23-059

This rule is in final draft form and has been submitted to the chief clerk of each house of the legislature. Please publish a statement to this effect in the Wisconsin Administrative Register, pursuant to s. 227.19 (2), Wis. Stat.

For additional information or if you do not receive the e-mail, please contact Karyn Culver at [karyn.culver@wisconsin.gov](mailto:karyn.culver@wisconsin.gov).

**PROPOSED ORDER OF THE OFFICE OF THE COMMISSIONER OF INSURANCE  
AMENDING A RULE**

**Office of the Commissioner of Insurance**

**Rule No.** Agency 145 – Ins 3.15

The Commissioner of Insurance proposes an order to amend Ins 3.15, relating to the inclusion of “veterans” as a category of “eligible risks” under INS 3.15 (4) (a).

The statement of scope for this rule, SS: 027-23, was approved by the Governor on April 27, 2023, published in Register No. 809A1 on May 1, 2023, and approved by the Commissioner on October 3, 2023. The proposed rule was approved by the Governor on January 11, 2024, to submit to the legislature, and submitted to the legislature on January 25, 2024.

---

**ANALYSIS PREPARED BY THE OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)**

**1. Statutes interpreted:**

s. 600.03 (4), Stats.

**2. Statutory authority:**

ss. 227.11 (2) (a), 600.03 (4), 601.41 (3) (a), 631.20, Stats.

**3. Explanation of OCI’s authority to promulgate the proposed rule under these statutes:**

s. 600.03 (4), Stats., defines blanket accident and sickness policies. s. 631.20, Stats. (“filing and approval of forms”), requires these policies/risks to be approved by OCI; see *also* s. 600.03 (21), Stats. (defining “form” to mean “a policy, group certificate, or application prepared for general use”). Pursuant to ss. 227.11 (2) (a) and 601.41 (3), Stats., the Commissioner has the authority to promulgate rules necessary to administer and enforce chs. 600 to 655, Stats.

**4. Related statutes or rules:**

s. 600.03 (23), Stats., and INS 3.14; s. 600.03 (22), Stats., and INS 3.23; and INS 3.13 apply, respectively, to group, franchise, and individual accident and sickness insurance. See *also* INS 6.75 (1) (c) and (2) (c), permitting accident and sickness policies.

**5. The plain language analysis and summary of the proposed rule:**

OCI finds it appropriate that “veterans” should be a recognized risk category eligible for blanket accident and sickness insurance. The proposed amendment to INS 3.15 (4) (a) would accomplish this purpose by explicitly setting forth “veterans” as an eligible risk category. This would codify current practice, whereby OCI considers it appropriate to

approve “veterans” as a risk category under INS 3.15 (4) (b) (providing that “[a] company may submit any other risk or class of risks, subject to approval by the commissioner, which it believes is properly eligible for blanket accident and health insurance”).

**6. Summary of and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule:**

N/A

**7. Summary of any public comments and feedback on the statement of scope of the proposed rule that the agency received at any preliminary public hearing and comment period held under s. 227.136, Stat., and a description of how and to what extent the agency took those comments and that feedback into account in drafting the proposed rule.**

N/A – OCI did not receive any public comments or feedback.

**8. Comparison of similar rules in adjacent states as found by OCI:**

**Illinois:** N/A – It does not appear that Illinois has a rule setting forth groups eligible for blanket accident and sickness insurance. Rather, Illinois statute defines groups eligible for blanket accident and health insurance. See 215 Ill. Comp. Stat. 5/367a. This provision does not include veterans as an eligible group.

**Iowa:** Iowa Admin. Code r. 191-35.3 (1) (509) sets forth groups eligible for blanket accident and sickness insurance. This provision does not include veterans as an eligible group.

**Michigan:** N/A – It does not appear that Michigan has a rule setting forth groups eligible for blanket accident and sickness insurance. Rather, Michigan statute defines groups eligible for blanket disability insurance. See Mich. Comp. Laws § 500.3402d. This provision does not include veterans as an eligible group.

**Minnesota:** N/A – It does not appear that Minnesota has a rule setting forth groups eligible for blanket accident and sickness insurance. Rather, Minnesota statute defines groups eligible for blanket accident and sickness insurance. See Minn. Stat. § 62A.11, subd.1. This provision does not include veterans as an eligible group.

**9. A summary of the factual data and analytical methodologies that OCI used in support of the proposed rule and how any related findings support the regulatory approach chosen for the proposed rule:**

OCI did not rely on an analytical methodology to determine that “veterans” should be an eligible group under INS 3.15 (4) (a). Rather, OCI’s support for the proposed rule is based on current practice, whereby OCI considers it appropriate to approve “veterans” as an eligible risk category under INS 3.15 (4) (b) (providing the Commissioner with the discretion to approve additional risks or classes of risk). Therefore, it would promote

simplicity and uniformity to amend INS 3.15 (4) (a) to add “veterans” as a recognized risk category.

**10. Any analysis and supporting documentation that OCI used in support of OCI’s determination of the rule’s effect on small businesses under s. 227.114:**

It is OCI’s determination that, by removing the requirement that “veterans” as an eligible risk category be approved on a case-by-case basis, the proposed rule would minimally reduce impacted entities’ administrative burden. To the extent these entities are small businesses, there would be a minimal positive economic effect. OCI does not anticipate a significant economic impact on small businesses.

**11. A description of the Effect on Small Business:**

OCI anticipates either no or a minimal positive economic effect on small businesses, in that insurers could automatically treat “veterans” as an eligible risk category.

**12. Agency contact person:**

A copy of the full text of the proposed rule changes, analysis and fiscal estimate may be obtained from the web site at:

<https://oci.wi.gov/Pages/Regulation/RulesCurrentlyPending.aspx> or by contacting Karyn Culver at:

Phone: (608) 267-9586  
Email: [karyn.culver@wisconsin.gov](mailto:karyn.culver@wisconsin.gov)  
Address: 125 South Webster St – 2<sup>nd</sup> Floor, Madison WI 53703-3474  
Mail: PO Box 7873, Madison, WI 53707-7873

**13. Place where comments are to be submitted and deadline for submission:**

Persons wishing to testify or provide oral or written comments regarding the proposed administrative rule may appear during the hearing. Additionally, the rule may be reviewed and comments made at <https://docs.legis.wisconsin.gov/code> or sent to the following:

The deadline for submitting comments is 4:00 p.m. on the 8th day of December, 2023.

Written comments can be mailed, e-mailed, or hand-delivered to:

Sharone Assa  
Legal Unit - OCI Rule Comment for Rule Ins 3.15  
Office of the Commissioner of Insurance  
125 South Webster St – 2<sup>nd</sup> Floor  
Madison WI 53703-3474

Email: [sharone.assa@wisconsin.gov](mailto:sharone.assa@wisconsin.gov)

For additional information please contact Sharone Assa at (608) 264-8129 or [sharone.assa@wisconsin.gov](mailto:sharone.assa@wisconsin.gov).

---

The proposed rule changes are:

**SECTION 1. Ins 3.15 (4) (a) 15. is amended to read:**

15. Patrons or guests of a recreational facility or resort.

**SECTION 2. Ins 3.15 (4) (a) 16. is created to read:**

16. Veterans.

**EFFECTIVE DATE.** The rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22 (2) (intro.), Stats.

Dated at Madison, Wisconsin, this 19th day of January, 2024.



---

Nathan Houdek  
Commissioner

## EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal     Modification

2. Administrative Rule Chapter, Title and Number

INS 3.15

3. Date Rule promulgated and/or revised; Date of most recent Evaluation

October 9, 2023

4. Plain Language Analysis of the Rule, its Impact on the Policy Problem that Justified its Creation and Changes in Technology, Economic Conditions or Other Factors Since Promulgation that alter the need for or effectiveness of the Rule.

OCI finds it appropriate that “veterans” should be a recognized risk category eligible for blanket accident and sickness insurance. The proposed amendment to Ins 3.15 (4) (a) would accomplish this purpose by explicitly setting forth “veterans” as an eligible risk category. This would codify current practice, whereby OCI considers it appropriate to approve “veterans” as a risk category under Ins 3.15 (4) (b) (providing that “[a] company may submit any other risk or class of risks, subject to approval by the commissioner, which it believes is properly eligible for blanket accident and health insurance”).

5. Describe the Rule’s Enforcement Provisions and Mechanisms

There is no specific enforcement provision or mechanism.

6. Repealing or Modifying the Rule Will Impact the Following  
(Check All That Apply)

State’s Economy

Local Government Units

Specific Businesses/Sectors

Public Utility Rate Payers

Small Businesses

7. Summary of the Impacts, including Compliance Costs, identifying any Unnecessary Burdens the Rule places on the ability of Small Business to conduct their Affairs.

By removing the requirement that “veterans” as an eligible risk category be approved on a case-by-case basis, the proposed rule may minimally reduce impacted insurers/entities’ administrative burden. To the extent these entities are small businesses, there may be a minimal positive economic effect. OCI does not anticipate a significant economic impact on small businesses.

8. List of Small Businesses, Organizations and Members of the Public that commented on the Rule and its Enforcement and a Summary of their Comments.

The Alliance of Health Insurers, U.A., commented that its members do not sell this product. OCI has received no other comments.

9. Did the Agency consider any of the following Rule Modifications to reduce the Impact of the Rule on Small Businesses in lieu of repeal?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

10. Fund Sources Affected

GPR     FED     PRO     PRS     SEG     SEG-S

11. Chapter 20, Stats. Appropriations Affected

12. Fiscal Effect of Repealing or Modifying the Rule

No Fiscal Effect

Increase Existing Revenues

Increase Costs

Indeterminate

Decrease Existing Revenues

Could Absorb Within Agency’s Budget

## EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Decrease Cost

---

13. Summary of Costs and Benefits of Repealing or Modifying the Rule

Modifying the rule will minimally reduce impacted insurers' regulatory burden and minimally reduce the time and expense OCI incurs to approve "veterans" as an eligible risk category on a case-by-case basis. There are no anticipated costs associated with modifying the rule.

---

14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes  No

---

15. Long Range Implications of Repealing or Modifying the Rule

None

---

16. Compare With Approaches Being Used by Federal Government

N/A

---

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Neighboring states do not have "veterans" as a specified risk category eligible for blanket accident and sickness insurance.

---

18. Contact Name	19. Contact Phone Number
Sharone Assa	(608) 264-8129

---

This document can be made available in alternate formats to individuals with disabilities upon request.



# Tony Evers

Office of the Governor | State of Wisconsin

January 11, 2024

By Electronic Mail Only

Dear Secretaries and Agency Heads:

On this day, I approved the following statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of scope by the Department of Safety and Professional Services, submitted June 22, 2023, relating to online auctions (Wis. Admin. Code chs. SPS 120 to 126); and
- A statement of scope by the Physical Therapy Examining Board, submitted November 30, 2023, relating to telehealth and supervision of PTAs (Wis. Admin. Code chs. PT 1 and 5); and
- A statement of scope by the Department of Safety and Professional Services, submitted November 27, 2023, relating to Uniform Standards of Professional Appraisal Practice (USPAP) (Wis. Admin. Code chs. SPS 85 to 87).

On this day, I approved the following proposed administrative rules pursuant to Wis. Stat. § 227.185:

- A proposed rule by the Genetic Counselors Affiliated Credentialing Board, submitted December 15, 2023, relating to genetic counselors (Wis. Admin. Code chs. Gen Couns 1 to 4); and
- A proposed rule by the Office of the Commissioner of Insurance, submitted January 2, 2024, relating to the inclusion of "veterans" as a category of "eligible risks" (Wis. Admin. Code ch. Ins 3).

Please direct any questions about this letter to my policy director, Katie Domina.

Sincerely,

A handwritten signature in black ink that reads 'Tony Evers'.

Tony Evers  
Governor



cc: Mel Barnes, chief legal counsel ([mel.barnes@wisconsin.gov](mailto:mel.barnes@wisconsin.gov))  
Katie Domina, policy director ([katherine.dominal@wisconsin.gov](mailto:katherine.dominal@wisconsin.gov))  
DOA State Budget Office ([SBOAdminRules@spmail.wi.gov](mailto:SBOAdminRules@spmail.wi.gov))  
DSPS ([DSPSAdminRules@wisconsin.gov](mailto:DSPSAdminRules@wisconsin.gov))  
Nathan Houdek, OCI ([nathan.houdek@wisconsin.gov](mailto:nathan.houdek@wisconsin.gov))



# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

### **CLEARINGHOUSE REPORT TO AGENCY**

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

#### **CLEARINGHOUSE RULE 23-059**

AN ORDER to amend Ins 3.15, relating to the inclusion of “veterans” as a category of “eligible risks” under Ins 3.15 (4) (a).

Submitted by **OFFICE OF THE COMMISSIONER OF INSURANCE**

10-31-2023 RECEIVED BY LEGISLATIVE COUNCIL.

11-21-2023 REPORT SENT TO AGENCY.

SG:KAM

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]  
Comment Attached YES  NO
2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]  
Comment Attached YES  NO
3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]  
Comment Attached YES  NO
4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS [s. 227.15 (2) (e)]  
Comment Attached YES  NO
5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]  
Comment Attached YES  NO
6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL REGULATIONS [s. 227.15 (2) (g)]  
Comment Attached YES  NO
7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]  
Comment Attached YES  NO



---

# Wisconsin Legislative Council

## RULES CLEARINGHOUSE

---

**Scott Grosz**  
Clearinghouse Director

**Anne Sappenfield**  
Legislative Council Director

**Margit Kelley**  
Clearinghouse Assistant Director

## CLEARINGHOUSE RULE 23-059

### Comments

**[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Council Staff and the Legislative Reference Bureau, dated November 2020.]**

#### 1. Statutory Authority

The proposed rule analysis includes s. 631.20, Stats., regarding filing and approving of forms, as a source of statutory authority for the rule. The explanation of statutory authority states that provision, “requires these policies/risks to be approved by OCI”. Consider further clarifying how s. 631.20, Stats., is a source of statutory authority for the proposed rule. Is it the case that s. 631.20, Stats., operates as a source of authority for the proposed rule through the definition of “form” in s. 600.03 (21), Stats.? If so, it may be useful to highlight that connection, as this definition of “form” differs from the more common definition of the term, referring to a document created and issued by a state agency (e.g., an application form submitted to an agency in order to obtain a credential issued by the agency).

#### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Throughout the rule analysis, references to statutes and rules should be revised to more consistently conform to the style described in s. 1.15 (2) of the Manual.

b. SECTION 1 of the proposed rule creates an additional item on a list without changing related punctuation. To reconcile the proposed rule with the existing administrative code, remove the period following “resort” and replace it with a comma, and add a period following “Veterans” in the proposed rule. Note, however, that the existing administrative code does not conform to the style described by s. 1.11 (3) of the Manual. Consider more extensive amendment of s. Ins 3.15 (4) (a) to adopt the preferred style.

January 2, 2024

Report on Section Ins 3.15, Wis. Adm. Code, relating to the inclusion of “veterans” as a category of “eligible risks” under INS 3.15 (4) (a).

**Clearinghouse Rule No. 23-059**  
Submitted Under s. 227.19 (3), Stats.

(The proposed rule-making order is attached.)

**(a) A detailed statement of basis for the proposed rule and how the rule advances relevant statutory goals or purposes:**

The proposed rule would align Ins 3.15 with current OCI practice. Currently, OCI finds it appropriate that “veterans” should be a recognized risk category eligible for blanket accident and sickness insurance. Therefore, OCI approves this risk category on case-by-case basis, pursuant to Ins 3.15 (4) (b) (providing that “[a] company may submit any other risk or class of risks, subject to approval by the commissioner, which it believes is properly eligible for blanket accident and health insurance”). The proposed amendment to Ins 3.15 (4) (a) would explicitly set forth “veterans” as an eligible risk category, thereby streamlining the approval process and reducing the administrative burden on insurers seeking to offer this product.

**(b) Summary of the public comments and the agency’s responses to those comments:**

OCI did not receive any comments

**(c) An explanation of any modifications made in proposed rule as a result of public comments or testimony received at a public hearing:**

N/A

**(d) Persons who appeared or registered regarding the proposed rule:**

**Appearances for:**

None

**Appearances against:**

None

**Appearances for information:**

None

**Registrations for:**

None

**Registrations against:**

None

**Registrations neither for nor against:**

None

**Letters received:**

None

**(e) An explanation of any changes made to the plain language analysis of the rule under s. 227.14 (2), Stats., or to any fiscal estimate prepared under s. 227.14 (4), Stats.**  
N/A

**(f) The response to the Legislative Council staff recommendations indicating acceptance of the recommendations and a specific reason for rejecting any recommendation:**

All comments were complied with and corrected except the suggestion to “[c]onsider [a] more extensive amendment of s. Ins 3.15 (4) (a) to adopt the preferred style” of the Manual. At this time OCI seeks only to add “veterans” as an eligible risk category.

**(g) The response to the report prepared by the small business regulatory review board:**  
The small business regulatory review board did not prepare a report.

**(h) Final Regulatory Flexibility Analysis**

A Final Regulatory Flexibility Analysis is Not Required because the rule will not have a significant economic impact on a substantial number of small businesses.

**(i) Fiscal Effect**

See fiscal estimate attached to proposed rule.

Attachment: Legislative Council Staff Recommendations