



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tony Evers, Governor
Mark V. Afable, Commissioner

Wisconsin.gov

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

FROM: Richard Wicka, Chief Legal Counsel
Office of the Commissioner of Insurance

DATE: March 4, 2020

SUBJECT: Sections Ins 17.28 (3) (c) and (4) (f), Wis. Admin. Code, relating to the Injured Patients and Families Compensation Fund refund procedures and ISO code modifications.
Clearinghouse Rule No. 19-119

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 Wis. Stat. § 227.19 (2). We have e-mailed you an electronic copy of the text of the rule.

For additional information or if you do not receive the e-mail, please contact Karyn Culver at (608) 267-9586 or karyn.culver@wisconsin.gov.

PROPOSED ORDER AMENDING A RULE.

Office of the Commissioner of Insurance – Agency 145

The Office of the Commissioner of Insurance proposes an order to amend s. Ins 17.28 (3) (c) and (4) (f), Wis. Admin. Code, relating to the Injured Patients and Families Compensation Fund refund procedures and ISO code modifications.

The statement of scope for this rule SS 031-18, was approved by the Governor on March 13, 2018, published in Register No. 747B, on March 26, 2018 and was approved by the Deputy Commissioner on May 8, 2018. The proposed rule was approved by the Governor on February 27, 2020, to submit to the legislature, and was submitted to the legislature on March 4, 2020.

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

Statutes interpreted:

ss. 655.27 (3), and 655.61, Wis. Stats.

Statutory authority:

ss. 601.41 (3), 655.004, 655.27 (3) (b), and 655.61, Wis. Stats.

Explanation of OCI's authority to promulgate the proposed rule:

The injured patients and families compensation fund ("fund"), was established by and operated under Ch. 655, Stats. The commissioner of insurance with approval of the board of governors ("board") shall have rule-making authority under s. 601.41 (3), Stats., pursuant to s. 227.11 (2), Stats.

Related statutes or rules:

None.

The plain language analysis and summary of the proposed rule:

This rule includes changes to the Insurance Services Office (ISO) code listing to address corrections to several classification specialties as well as new classification specialties. ISO codes are the numerical designation for a health care provider's specialty and are used to classify the provider for assessment purposes. Errors identified in the ISO codes or specialty narratives for several specialties have been corrected. The Doctor of Osteopathy (D.O.) designated ISO codes have been added for two specialties previously listed only under the Doctor of Medicine (M.D.) ISO codes.

Additionally, this rule modifies the refund procedures of the fund by no longer requiring the fund to refund, with interest, the \$3.00 administrative fee charged for quarterly billing.

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:

To the fund board's and OCI's knowledge there is no existing or proposed federal regulation that is intended to fund administrative refund procedures or ISO codes.

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.

The office gave notice of a preliminary public hearing on a statement of scope for s. Ins 17.28, Wis. Adm. Code, relating Injured Patients and Families Compensation Fund refund procedures and ISO code modifications. A notice of preliminary hearing was published in Register No. 748A1, on April 2, 2018, with the public hearing on April 11, 2018 at 10:00 am. Notice as also published on the office's website. The public could provide oral or written testimony and a public comment period was open until 4:00 pm April 26, 2018. No persons attended the hearing and no written comments were received.

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

To the fund board's and OCI's knowledge there are no similar rules in the adjacent states to compare this rule to as none of adjacent states have a fund created by statute where administrative fees are utilized or refunded. There are no funds in adjacent states that classify ISO codes for the purpose of billing fund fees.

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:

The fund reviews all ISO codes utilized by the fund and licensed carriers. Periodically due to changes made by ISO, the fund ISO codes listed require updating. The fund analyzed the amount of refunds provided under the regulation. The installment payment fee is \$3.00

however; a disproportionate amount of staff time is required to be expended to in order to accurately refund that fee.

Analysis and supporting documentation that OCI used in support of OCI's determination of the rule's effect on small businesses or in preparation of an economic impact analysis:

The office reviewed the actual fees and the process to ascertain return of the convenience installment fee and the amount of staff time needed to accurately identify all installment fees then add the appropriate interest to the fees. Any impact to small businesses is de minimis as the installment fee was provided for the individual health care provider's convenience and is still available for spreading the annual assessment over four quarterly payments.

Effect on Small Business:

The proposed rule will not significantly impact small businesses as demonstrated in the economic impact analysis attached to the rule. Additionally, the proposed rule amending several ISO codes will result in more accurate assessments of providers, including small businesses, based upon classification of the type of health care services provided.

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
Address: 125 South Webster St – 2nd Floor, Madison WI 53703-3474
Mail: PO Box 7873, Madison, WI 53707-7873

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

The deadline for submitting comments is 4:00 p.m. on October 14, 2019.

Mailing address:

Julie E. Walsh
Legal Unit - OCI Rule Comment for Rule Ins 1728
Office of the Commissioner of Insurance

PO Box 7873
Madison WI 53707-7873

Street address:

Julie E. Walsh
Legal Unit - OCI Rule Comment for Rule Ins 1728
Office of the Commissioner of Insurance
125 South Webster St – 2nd Floor
Madison WI 53703-3474

Email address:

Julie E. Walsh
Julie.Walsh@wisconsin.gov
Web site: <http://docs.legis.wisconsin.gov/code>

The proposed rule changes are:

SECTION 1. Ins 17.28 (3) (c), is amended to read:

Ins 17.28 (3) (c) 1. Class 1:

Administrative Medicine	80120
Aerospace Medicine	80230
Allergy	80254
Allergy (D.O.)	84254
Cardiovascular Disease—no surgery or catheterization	80255
Cardiovascular Disease—no surgery or catheterization (D.O.)	84255
Dermatology—no surgery	80256
Dermatology—no surgery (D.O.)	84256
Diabetes—no surgery	80237
Endocrinology—no surgery	80238
Endocrinology—no surgery (D.O.)	84238
Family or General Practice—no surgery	80420
Family or General Practice—no surgery (D.O.)	84420
Forensic Medicine—Legal Medicine	80240
Forensic Medicine—Legal Medicine (D.O.)	84240
Gastroenterology—no surgery	80241
Gastroenterology—no surgery (D.O.)	84241
General Preventive Medicine—no surgery	80231
General Preventive Medicine—no surgery (D.O.)	84231
Geriatrics—no surgery	80243
Geriatrics—no surgery (D.O.)	84243
Gynecology—no surgery	80244
Gynecology—no surgery (D.O.)	84244
Hematology—no surgery	80245
Hematology—no surgery (D.O.)	84245
Hypnosis	80232

Infectious Diseases—no surgery	80246
Infectious Diseases—no surgery (D.O.)	84246
Internal Medicine—no surgery	80257
Internal Medicine—no surgery (D.O.)	84257
Laryngology—no surgery	80258
Manipulator (D.O.)	84801
Neoplastic Disease—no surgery	80259
Nephrology—no surgery	80260
Nephrology – no surgery (D.O.)	84260
Neurology—no surgery	80261
Neurology—no surgery (D.O.)	84261
Nuclear Medicine	80262
Nuclear Medicine (D.O.)	84262
Nutrition	80248
Occupation Medicine	80233
Occupation Medicine (D.O.)	84233
Oncology – no surgery	80302
Oncology – no surgery (D.O.)	84302
Ophthalmology—no surgery	80263
Ophthalmology—no surgery (D.O.)	84263
Osteopathy—manipulation only	84801
Otology – no surgery	80264
Otorhinolaryngology—no surgery	80265
Otorhinolaryngology—no surgery (D.O.)	84265
Pain Management – no surgery	80208
Pain Management – no surgery (D.O.)	84208
Pathology—no surgery	80266
Pathology—no surgery (D.O.)	84266
Pediatrics—no surgery	80267
Pediatrics—no surgery (D.O.)	84267
Pharmacology—Clinical	80234
Physiatry—Physical Medicine (D.O.)	84235
Physiatry—Physical Medicine & Rehabilitation	80235
Physicians—no surgery	80268
Physicians—no surgery (D.O.)	84268
Psychiatry	80249
Psychiatry—(D.O.)	84249
Psychoanalysis	80250
Psychosomatic Medicine	80251
Psychosomatic Medicine (D.O.)	84251
Public Health	80236
Pulmonary Disease—no surgery	80269
Pulmonary Disease—no surgery (D.O.)	84269
Radiology—diagnostic	80253
Radiology—diagnostic (D.O.)	84253
<u>Radiology—includes Mammography w/ Telemed</u>	<u>80472</u>
Radiopaque dye	80449
Radiopaque dye (D.O.)	84449
Rheumatology—no surgery	80252
Rheumatology—no surgery (D.O.)	84252
Rhinology – no surgery	80247

Shock Therapy	80431
Shock Therapy (D.O.)	84431
Shock Therapy—insured	80162
Urgent Care—Walk-in or After Hours	80424
Urgent Care—Walk-in or After Hours (D.O.)	84424
Urology—no surgery	80121

2. Class 2:

Acupuncture	80437
Acupuncture (D.O.)	84437
Anesthesiology	80151
Anesthesiology (D.O.)	84151
Angiography-Arteriography—catheterization	80422
Angiography-Arteriography—catheterization (D.O.)	84422
Broncho-Esophagology	80101
Cardiovascular Disease—minor surgery	80281
Cardiovascular Disease—minor surgery (D.O.)	84281
Colonoscopy-ERCP-Pneu or mech esoph dil (D.O.)	84443
Colonoscopy-ERCP-pneu. or mech.	80443
Dermatology—minor surgery	80282
Dermatology – minor surgery (D.O.)	84282
Diabetes – minor surgery	80271
Diabetes—minor surgery (D.O.)	84271
Emergency Medicine—No Major Surgery	80102
Emergency Medicine—No Major Surgery (DO)	84102
Employed Physician or Surgeon	80177
Employed Physician or Surgeon (D.O.)	84177
Endocrinology—minor surgery	80272
Endocrinology—minor surgery (D.O.)	84272
Family Practice—and general practice minor surgery—No OB	80423
Family Practice—and general practice minor surgery—No OB (D.O.)	84423
Family or General Practice—including OB	80421
Family or General Practice – including OB (D.O.)	84421
Gastroenterology—minor surgery	80274
Gastroenterology—minor surgery (D.O.)	84274
Geriatrics—minor surgery	80276
Geriatrics—minor surgery (D.O.)	84276
Gynecology—minor surgery	80277
Gynecology—minor surgery (D.O.)	84277
Hematology—minor surgery	80278
Hematology—minor surgery (D.O.)	84278
Hospitalist	80296
Hospitalist (D.O.)	84296

Infectious Diseases—minor surgery	80279	
Intensive Care Medicine	80283	
Intensive Care Medicine (D.O.)	84283	
Internal Medicine—minor surgery	80284	
Internal Medicine—minor surgery (D.O.)	84284	
Laparoscopy	80440	
Laparoscopy (D.O.)	84440	
Laryngology—minor surgery	80285	
Myelography – Discogram-Pneumoencephalo	80428	
Myelography-Discogram-Pneumoencephalo (D.O.)	84428	
Needle Biopsy	80446	
Needle Biopsy (D.O.)	84446	
Nephrology—minor surgery	80287	
Neonatology	80298	<u>80804</u>
Neonatology (D.O.)	84298	<u>84804</u>
Neoplastic Disease—minor surgery	80286	
Neurology—minor surgery	80288	
Neurology—minor surgery (D.O.)	84288	
Oncology – minor surgery	80301	
Oncology – minor surgery (D.O.)	84301	
Ophthalmology—minor surgery	80289	
Ophthalmology—minor surgery (D.O.)	84289	
Otology – minor surgery	80290	
Otorhinolaryngology—minor surgery	80291	
Otorhinolaryngology—minor surgery (D.O.)	84291	
Pain Management – Basic procedures	80182	
Pain Management – Basic procedures (D.O.)	84182	
Pathology—minor surgery	80292	
Pathology—minor surgery (D.O.)	84292	
Pediatrics—minor surgery	80293	
Pediatrics—minor surgery (D.O.)	84293	
Phlebography-Lymphangeography	80434	
Phlebography-Lymphangeography (D.O.)	84434	
Physicians—minor surgery	80294	
Physicians – minor surgery (D.O.)	84294	
Radiation Therapy—lasers	80425	
Radiation Therapy—lasers (D.O.)	84425	
Radiation Therapy – other than lasers	80165	
Radiology—diagnostic-interventional procedures	80280	
Radiology—diagnostic-interventional procedures (D.O.)	84280	
Rhinology – minor surgery	80270	
Surgery—Colon & Rectal	80115	
Surgery —Endocrinology	80103	
Surgery—Gastroenterology	80104	
Surgery – Gastroenterology (D.O.)	84104	
Surgery—General Practice or Family Practice	80117	
Surgery—General Practice or Family Practice (D.O.)	84117	

Surgery—Geriatrics	80105
Surgery—Neoplastic	80107
Surgery—Nephrology	80108
Surgery—Ophthalmology	80114
Surgery—Ophthalmology (D.O.)	84114
Surgery—Urological	80145
Surgery—Urological (D.O.)	84145

3. Class 3:

Emergency Medicine—includes major surgery	80157
Emergency Medicine—includes major surgery (D.O.)	84157
Otology—surgery	80158
<u>Pain Management – Neurology, Adv Proc</u>	<u>80298</u>
<u>Pain Management – Neurology, Adv Proc (D.O.)</u>	<u>84298</u>
Radiation Therapy – employed physician	80163
Radiation Therapy – employed physician (D.O.)	84163
Shock Therapy – employed physician	80161
Shock Therapy – employed physician (D.O.)	84161
Surgery—Abdominal	80166
Surgery – Bariatrics	80476
Surgery – Bariatrics (D.O.)	84476
Surgery—Cardiac	80141
<u>Surgery—Cardiac (D.O.)</u>	<u>84141</u>
Surgery—Cardiovascular Disease	80150
Surgery—Cardiovascular Disease (D.O.)	84150
Surgery—General	80143
Surgery—General (D.O.)	84143
Surgery—Gynecology	80167
Surgery—Gynecology (D.O.)	84167
Surgery—Hand	80169
Surgery—Head & Neck	80170
Surgery – Laryngology	80106
Surgery—Orthopedic	80154
Surgery—Orthopedic (D.O.)	84154
Surgery—Otorhinolaryngology-no plastic surgery	80159
Surgery—Plastic	80156
Surgery—Plastic (D.O.)	84156
Surgery—Plastic-Otorhinolaryngology	80155
Surgery—Plastic-Otorhinolaryngology (D.O.)	84155
Surgery—Rhinology	80160
Surgery—Thoracic	80144
Surgery—Thoracic (D.O.)	84144
Surgery—Traumatic	80171
Surgery—Traumatic (D.O.)	84171
Surgery—Vascular	80146
Surgery – Vascular (D.O.)	84146
Weight Control—Bariatrics	80180

SECTION 2. Ins 17.28 (4) (f) is amended to read:

Ins 17.28 (4) (f) *Refund of other charges.* If a provider is entitled to a refund or credit under this subsection, the fund shall also issue a refund or credit of the unearned portion of any amounts paid as ~~administrative service charges, interest or surcharges,~~ using the same method used to calculate a refund or credit of an annual fee. A mediation fund fee is refundable only if the provider did not participate in the injured patients and families compensation fund for any part of the fiscal year.

SECTION 3. 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 4th day of March 2020.


Mark V. Afable
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 17.28 (3) (c) and (4) (f), Wis. Adm. Code

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

June 2014

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.

The proposed rule includes changes to the Insurance Services Office (ISO) code listing to address corrections to several classification specialties as well as new classification specialites. ISO codes are the numerical designation for a health care provider's medical speciality and are used to classify the provider for assessment purposes. Errors identified in the ISO codes or specialty narratives for several specialites have been corrected. The Doctor of Osteopathy desginted ISO codes have been added for two specialites previously listed only under the Doctor of Medicine ISO codes. The rule additionally modifies the refund procedures of the fund by no longer requirng the fund to refund , with interest, the \$3.00 convenience administrative fee charged for providers choosing to pay the annual assessements in quarterly installments.

5. Describe the Rule's Enforcement Provisions and Mechanisms

Generally provisions of the insurance code are enforced by the commissioner of insurance under the authority granted in ss. 601.41 and 601.64 (3), Wis. Stats. Additionally, participants in the injured patients and families compensation fund may appeal to the board of governors to challenge a classification code under s. Ins 17.24, Wis. Adm. Code.

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.

Updating the ISO codes will improve accuracy in assessing providers an accurate fees based upon the specific type of practice in which physicians are engaged. The ISO codes are the same codes used by licensed insurers that issue underlying medical malpractice insurance coverage to the same providers. The proposed rule may alter the classification of a provider but will do so with increased accuracy resulting in overall fair and accurate assessments for providers. The change in reimbursement of a convience fee will slightly affect the providers who avail themselves of the quarterly billing option but will balance the cost to the fund adminstrative time to track down quarterly payments and calculate interest on a de minimus fee.

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.

Although the proposed rule draft was provided to all interested parties including medical and hospital state organizations, the Office of the Commissioner of Insurance did not receive any comments on this rule or its potential economic impact.

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: The office balanced the need to better define classification codes and the potential realignment of some providers into different fee assessment classifications and determined the accurate classification was a necessary

EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

change. Additionally, the de minimus amount of the convenience fee for utilizing quarterly billing was outweighed by the amount of fund staff time that is required to identify and compute a refund with interest.

10. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	11. Chapter 20, Stats. Appropriations Affected None
12. Fiscal Effect of Repealing or Modifying the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget <input type="checkbox"/> Decrease Cost	
13. Summary of Costs and Benefits of Repealing or Modifying the Rule The costs to providers for both the adjusted ISO codes and change to the refund of a de minimus convenience fee was determined by be offset by increased accuracy of the assessment fee for the specific practice code utilized currently by the insurance industry writing the underlying coverage and use of staff time.	
14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
15. Long Range Implications of Repealing or Modifying the Rule The long range implication is improved assessment allocations and use of fund staff time.	
16. Compare With Approaches Being Used by Federal Government The fund and the office are unaware of any federal regulation or approaches used that are similar to how the fund operates.	
17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota) No neighboring states have a fund similar to the injured patients and families compensation fund therefore, no comparison can be made. ISO codes are standardized codes used by medical malpractice insurers throughout the U.S.	
18. Contact Name Julie Walsh	19. Contact Phone Number (608) 264-8101

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



Tony Evers

Office of the Governor | State of Wisconsin

February 27, 2020

By Electronic Mail Only

Dear Secretaries and Agency Heads:

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

- A statement of scope by the Chiropractic Examining Board, submitted January 30, 2020, relating to continuing education (Wis. Admin. Code ch. Chir 5).


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

- A proposed rule by the Department of Public Instruction, submitted on February 25, 2020, relating to changes to PI 34 as a result of 2019 Wisconsin Act 44 (Wis. Admin. Code ch. PI 34); and
- A proposed rule by the Department of Public Instruction, submitted February 10, 2020, relating to expanding the assessment of pedagogical knowledge in educator preparation programs (Wis. Admin. Code ch. PI 34); and
- A proposed rule by the Department of Children and Families, submitted on February 19, 2020, relating to kinship care and long-term kinship care (Wis. Admin. Code ch. DCF 58); and
- A proposed rule by the Office of the Commissioner of Insurance, submitted on January 24, 2020, relating to the Injured Patients and Families Compensation Fund refund procedures and ISO code modifications (Wis. Admin. Code ch. INS 17); and
- A proposed rule by the Office of the Commissioner of Insurance, submitted January 24, 2020, relating to the reserve standards for accident and sickness insurance and affecting small business (Wis. Admin. Code ch. INS 317); and
- A proposed rule by the Department of Natural Resources, submitted on January 23, 2019, relating to the 2019 Bureau of Wildlife Management housekeeping rule (Wis. Admin. Code chs. NR 8, 10, 11, 12, 16, 17, 19, and 45); and
- A proposed rule by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, submitted on January 8, 2020, relating to architect registration examinations (Wis. Admin. Code ch. A-E 3); and

- A proposed rule by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, submitted January 8, 2020, relating to minimum standards for property surveys (Wis. Admin. Code ch. A-E 7); and
- A proposed rule by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, submitted on February 24, 2020, relating to unprofessional conduct (Wis. Admin. Code ch. MPSW 20); and
- A proposed rule by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Professional Land Surveyors, submitted on January 8, 2020, relating to landscape architect registration (Wis. Admin. Code ch. A-E 9); and
- A proposed rule by the Controlled Substances Board, submitted February 12, 2020, relating to special use authorizations (Wis. Admin. Code ch. CSB 3); and
- A proposed rule by the Controlled Substances Board, submitted on February 12, 2020, relating to operation of prescription drug monitoring program (Wis. Admin. Code ch. CSB 4); and
- A proposed rule by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, submitted on December 18, 2019, relating to examinations (Wis. Admin. Code chs. MPSW 1, 3 and 5); and
- A proposed rule by the Marriage and Family Therapy, Professional Counseling and Social Work Examining Board, submitted December 18, 2019, relating to the practice requirement for licensure as a clinical social worker (Wis. Admin. Code ch. MPSW 3); and
- A proposed rule by the Pharmacy Examining Board, submitted on February 12, 2020, relating to storage (Wis. Admin. Code ch. Phar 6); and
- A proposed rule by the Psychology Examining Board, submitted on January 9, 2020, relating to continuing education audits, and the renewal and reinstatement of licenses (Wis. Admin. Code ch. Psy 4); and
- A proposed rule by the Accounting Examining Board, submitted February 3, 2020, relating to examinations (Wis. Admin. Code ch. Accy 2); and
- A proposed rule by the Cemetery Board, submitted on January 29, 2020, relating to maintenance of burial records (Wis. Admin. Code ch. CB 2); and
- A proposed rule by the Cemetery Board, submitted January 29, 2020, relating to change of trustee of care fund and preneed trust funds (Wis. Admin. Code chs. CB 1, 4, and 5); and
- A proposed rule by the Cemetery Board, submitted on January 29, 2020, relating to mausoleums (Wis. Admin. Code ch. CB 6); and
- A proposed rule by the Department of Safety and Professional Services, submitted on February 7, 2020, relating to the inspection and testing of fire and smoke dampers (Wis. Admin. Code chs. SPS 305, 314 and 361); and
- A proposed rule by the Department of Safety and Professional Services, submitted February 25, 2020, relating to the educational approval program (Wis. Admin. Code chs. SPS 401, 404, 407 and 411); and
- A proposed rule by the Funeral Directors Examining Board, submitted January 24, 2020, relating to licensure and standards of practice for funeral directors and funeral director apprentices (Wis. Admin. Code chs. FD 1 and 2); and
- A proposed rule by the Funeral Directors Examining Board, submitted January 24, 2020, relating to continuing education for funeral directors (Wis. Admin. Code ch. FD 4).

Please direct any questions about this letter to my policy director, Jenni Dye.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers". The signature is written in a cursive, slightly slanted style.

Tony Evers
Governor

Cc: Ryan Nilsestuen, chief legal counsel (ryan.nilsestuen1@wisconsin.gov)
Jenni Dye, policy director (jenni.dye@wisconsin.gov)
DOA State Budget Office (SBOAdminRules@spmail.enterprise.wistate.us)
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WISCONSIN LEGISLATIVE COUNCIL
RULES CLEARINGHOUSE

Scott Grosz
Clearinghouse Director

Anne Sappenfield
Legislative Council Director

Margit S. Kelley
Clearinghouse Assistant Director

Jessica Karls-Ruplinger
Legislative Council Deputy 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 19-119

AN ORDER to amend s. Ins 17.28 (3) (c) and (4) (f), relating to the Injured Patients and Families Compensation Fund refund procedures and ISO code modifications.

Submitted by OFFICE OF THE COMMISSIONER OF INSURANCE

09-06-2019 RECEIVED BY LEGISLATIVE COUNCIL.

09-20-2019 REPORT SENT TO AGENCY.

SG:SM

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



State of Wisconsin / OFFICE OF THE COMMISSIONER OF INSURANCE

Tony Evers, Governor
Mark V. Afable, Commissioner

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January 17, 2020

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Report on Sections Ins 17.28 (3) (c) and (4) (f), Wis. Admin. Code, relating to the Injured Patients and Families Compensation Fund refund procedures and ISO code modifications.

Clearinghouse Rule No. 19-119
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 objectives of the proposed rules are to facilitate accurate billing classifications. The proposed rule includes changes to the Insurance Services Office (ISO) code listing to address corrections to several classification specialties as well as new classification specialties. ISO codes are the numerical designation for a health care provider's specialty and are used to classify the provider for assessment purposes. Errors identified in the ISO codes or specialty narratives for several specialties have also been corrected. The Doctor of Osteopathy (D.O.) designated ISO codes have been added for two specialties previously listed only under the Doctor of Medicine (M.D.) ISO codes.

Additionally, the proposed rule modifies the refund procedures related to the convenience payment option for the fund. The proposed rule eliminates the requirement for the fund to return the \$3.00 administrative fee, with interest, charged for a provider opting to pay the fund fee through quarterly rather than the annual billing process.

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

The Office 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:

The Office did not receive any comments.

(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.**

None.

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

Legislative Council staff made no recommendations.

- (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 and economic impact analysis is attached to proposed rule.

Attachment: Legislative Council Staff Recommendations