

# Regulatory Analysis Form

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IRRC REGULATORY REVIEW COMMISSION

(1) Agency

Insurance Department

(2) I.D. Number (Governor's Office Use)

11-222

IRRC Number: 2409

(3) Short Title

Workers' Compensation Act-Provider Fees

(4) PA Code Cite

31 Pa. Code, Chapter 167, §§167.1-167.2

(5) Agency Contacts & Telephone Numbers

Primary Contact: Peter J. Salvatore, Regulatory Coordinator,  
1326 Strawberry Square, Harrisburg, PA 17120, (717) 787-4429  
Secondary Contact:

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The purpose of this final form rulemaking is to adopt Chapter 167 setting the allowance for anesthesia services provided to patients under the Pennsylvania Workers' Compensation Act when the allowance utilizes the anesthesia conversion factor. The rate established by Section 167.2 shall be used for the period from the effective date of this regulation and updated annually thereafter in accordance with the provisions of 34 Pa. Code §127.162 and Section 306(f.1)(3)(ii) of the Pennsylvania Workers' Compensation Act (77 P.S. §531(3)(ii)).

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

The final form rulemaking is made under the general authority of sections 205, 506, 1501 and 1502 of the Administrative Code of 1929 (71 P.S. §§66, 186, 411 and 412) and Subsection 306(f.1)(3)(i) of the Pennsylvania Workers' Compensation Act (77 P.S. §531(3)(i)).

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The Insurance Department is adopting Chapter 167, §§167.1-167.2 to be consistent with the authorizing statute. Subsection 306(f.1)(3)(v) (77 P.S. §531(3)(v)) provides that a workers' compensation allowance for a particular provider group shall be reviewed for reasonableness whenever the Commissioner determines that use of the allowance would result in payments that are more than 10% lower than the average level of reimbursement the provider would receive from coordinated care insurers ("CCOs"), a classification that includes Health Maintenance Organizations ("HMOs") and Preferred Provider Organizations ("PPOs") under the statute. Pursuant to the statute, the Insurance Commissioner is authorized to adopt a new allowance by regulation when the existing allowance is determined to be unreasonable.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

There are no public health, safety, environment or general welfare risks associated with this final form rulemaking.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The anesthesiologists will benefit from the regulation to the extent that it will increase their allowances under the workers' compensation system for procedures utilizing the conversion factor.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There will be no adverse effects on any party as a result of the amendment of this regulation.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

The regulation applies to all workers' compensation-licensed insurance companies, surplus lines companies writing workers' compensation insurance in the Commonwealth and self-insured employers providing workers' compensation reimbursement to anesthesiologists.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Notice of proposed rulemaking was published at 34 Pa.B. 3255 (June 26, 2004) with a 30-day comment period. During the 30-day comment period, comments were received from the Pennsylvania Medical Society, the Pennsylvania Association of Nurse Anesthetists and the Insurance Federation of Pennsylvania, Inc. (IFP). During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures, which may be required.

The adoption of the regulation will have only a minimal impact on costs associated with insurance companies or the public. No dollar amount has been associated with the regulation as the total number of procedures is unknown. However, the percentage increase in overall reimbursements under the workers' compensation system is expected to be very small and therefore, the dollar amount associated is assumed to be minimal.

## **Regulatory Analysis Form**

(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures, which may be required.

There are no costs or savings to local governments associated with this final form rulemaking.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures, which may be required.

There are no costs or savings associated to state government associated with this final form rulemaking.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years. N/A

|                             | Current FY<br>Year | FY +1<br>Year | FY +2<br>Year | FY +3<br>Year | FY +4<br>Year | FY +5<br>Year |
|-----------------------------|--------------------|---------------|---------------|---------------|---------------|---------------|
| <b>SAVINGS:</b>             | \$                 | \$            | \$            | \$            | \$            | \$            |
| <b>Regulated Community</b>  |                    |               |               |               |               |               |
| <b>Local Government</b>     |                    |               |               |               |               |               |
| <b>State Government</b>     |                    |               |               |               |               |               |
| <b>Total Savings</b>        |                    |               |               |               |               |               |
| <b>COSTS:</b>               |                    |               |               |               |               |               |
| <b>Regulated Community</b>  | Minimal            | Minimal       | Minimal       | Minimal       | Minimal       | Minimal       |
| <b>Local Government</b>     |                    |               |               |               |               |               |
| <b>State Government</b>     |                    |               |               |               |               |               |
| <b>Total Costs</b>          |                    |               |               |               |               |               |
| <b>REVENUE LOSSES:</b>      |                    |               |               |               |               |               |
| <b>Regulated Community</b>  |                    |               |               |               |               |               |
| <b>Local Government</b>     |                    |               |               |               |               |               |
| <b>State Government</b>     |                    |               |               |               |               |               |
| <b>Total Revenue Losses</b> |                    |               |               |               |               |               |

(20a) Explain how the cost estimates listed above were derived.

No dollar amount has been associated with the regulation as the total number of procedures is unknown. However, the percentage increase in overall reimbursements under the workers' compensation system is expected to be very small and therefore, the dollar amount associated is assumed to be minimal.

## Regulatory Analysis Form

(20b) Provide the past three-year expenditure history for programs affected by the regulation.  
N/A.

| Program | FY -3 | FY -2 | FY -1 | Current FY |
|---------|-------|-------|-------|------------|
|         |       |       |       |            |
|         |       |       |       |            |
|         |       |       |       |            |
|         |       |       |       |            |

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

No costs or adverse effects are anticipated as a result of this regulation.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Adopting Chapter 167, §§167.1-167.2, is the most efficient method to achieve consistency with the authorizing statute. No other alternatives were considered.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other regulatory schemes were considered. The adoption of the regulation is the most efficient method of implementing the regulatory requirements.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

No.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The rulemaking will not put Pennsylvania at a competitive disadvantage with other states. It merely provides for consistency with the statute.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No public hearings or informational meetings are anticipated.

## Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports, which will be required as a result of implementation, if available.

The adoption of the regulation imposes no additional paperwork requirements on the Department, insurers, anesthesiologists, or the public.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The rulemaking will have no effect on special needs of affected parties.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The rulemaking will take effect upon approval of the final form regulation by the legislative standing committees, the Independent Regulatory Review Commission, the Office of the Attorney General and upon final publication in the *Pennsylvania Bulletin*.

(31) Provide the schedule for continual review of the regulation.

The Department reviews each of its regulations for continued effectiveness on a triennial basis.



|  |  |   |
|--|--|---|
| CDL-1<br><br><p style="text-align: center;"><b>FACE SHEET<br/>FOR FILING DOCUMENTS<br/>WITH THE LEGISLATIVE REFERENCE<br/>BUREAU</b></p> <p style="text-align: center;">(Pursuant to Commonwealth Documents Law)</p>           |  | <p style="text-align: center;"><b>RECEIVED</b></p> <p style="text-align: center;">2004 OCT 19 PM 3:58</p> <p style="text-align: center;">INDEPENDENT REGULATORY<br/>REVIEW COMMISSION</p>   |
| #2409  |  | DO NOT WRITE IN THIS SPACE  |
| Copy below is hereby approved as to form and legality. Attorney General<br><br>By _____<br>(Deputy Attorney General)<br><br>_____<br>Date of Approval<br><br>→ Check if applicable.<br>Copy not approved. Objections attached. | Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:<br><br><p style="text-align: center;"><b>Insurance Department</b></p> <p style="text-align: center;">(AGENCY)</p> DOCUMENT/FISCAL NOTE NO. <u>11-222</u><br><br>DATE OF ADOPTION: _____<br><br>BY: <u><i>M. Diane Koken</i></u><br><p style="text-align: center;"><b>M. Diane Koken</b></p> <p style="text-align: center;"><b>Insurance Commissioner</b></p> TITLE: _____<br>(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY) | Copy below is hereby approved as to form and legality. Executive or Independent Agencies<br><br>BY: <u><i>Tanya C. Gable</i></u><br><br><p style="text-align: center;"><b>10.7.04</b></p> <p style="text-align: center;">DATE OF APPROVAL</p> <p style="text-align: center;"><b>Asst.</b></p> <p style="text-align: center;">(DEPUTY GENERAL COUNSEL)</p> <p style="text-align: center;"><del>(CHIEF COUNSEL, INDEPENDENT AGENCY)</del></p> <p style="text-align: center;">(STRIKE INAPPLICABLE TITLE)</p><br>→ Check if applicable. No Attorney General approval or objection within 30 days after submission. |

NOTICE OF FINAL FORM RULEMAKING

INSURANCE DEPARTMENT

31 Pa. Code, Chapter 167  
§§167.1-167.2

Workers' Compensation Act-Provider Fees

## PREAMBLE

The Insurance Department (Department) hereby adopts Chapter 167 (relating to Workers' Compensation Act-Provider Fees) to read as set forth in Annex A.

### *Statutory Authority*

The final form regulation is adopted under the general authority of sections 205, 506, 1501 and 1502 of the Administrative Code of 1929 (71 P.S. §§66, 186, 411 and 412) and Subsection 306(f.1)(3)(i) of the Pennsylvania Workers' Compensation Act (77 P.S. §531(3)(i)).

### *Comments and Response*

Notice of proposed rulemaking was published at 34 Pa.B. 3255 (June 26, 2004) with a 30-day comment period. During the 30-day comment period, comments were received from the Pennsylvania Medical Society, the Pennsylvania Association of Nurse Anesthetists and the Insurance Federation of Pennsylvania, Inc. (IFP). During its regulatory review, the Independent Regulatory Review Commission (IRRC) did not submit comments to the Department. As such, no changes were made to Annex A in this final-form rulemaking.

The Pennsylvania Medical Society and the Pennsylvania Association of Nurse Anesthetists both supported the proposed rulemaking. The IFP raised several issues with the proposed rulemaking.

The Department's response to the issues raised by the IFP is as follows.

The IFP states that the Department has not made or supported a determination that the current reimbursement level for anesthesiologists is unreasonable. The IFP's overriding objections to the regulation are its assertions that the Department failed to make the findings required under Section 306(f.1)(3)(i) and (v) of the Act to justify the proposed increase and that the proposed increase is counter to the general goal of the Act, which the IFP asserts is medical cost containment. The IFP also objects because the Department's determination to increase the reimbursement rate for anesthesiologists was based solely on its review of data that was submitted by the Pennsylvania Society of Anesthesiologists (PSA).

**Pursuant to an extensive review process, the Department did make the determination that PSA had satisfied the statutory criteria to have the workers' compensation anesthesiology conversion factor reviewed for reasonableness in accordance with Section 306(f.1)(3)(v) of the Act. Further, after reviewing the data and expert reports submitted by PSA, the Department ultimately determined that the existing workers' compensation reimbursement rate for anesthesiologists was not reasonable and that a new rate should be established by regulation in accordance with Section 306(f.1)(3)(i) and (v) of the Act. As the petitioner,**

**PSA was required to submit data to the Department in support of its request for the issuance of a regulation. In doing so, the PSA did not pre-select the data in any way but submitted all data that it could obtain. Further, the data submitted by PSA was extensive, credible, and persuasive and, together with the expert reports, fully supports the Department's determination to establish a new reimbursement rate for anesthesiologists under the Workers' Compensation Program.**

IFP stated that the proposed reimbursement level is unreasonable and contrary to the goals of the Act.

**The revised reimbursement rate established by the Department is reasonable in light of the data and expert reports submitted to the Department by PSA, which demonstrated that the disparity between anesthesia allowances under the workers' compensation and private managed care systems was substantially and patently disproportionate to disparities for other providers. The revised reimbursement rate is based on an average of reimbursement rates in the private managed care market and, as such, is not unreasonable. Because the PSA satisfied the explicit criteria for relief set forth in the Act, the Department believes that it would not be appropriate to deny the PSA relief based on the general goal of cost containment, which the IFP asserts to be the purpose of the Act.**

The IFP asserts that the Department's reliance on Section 306(f.1)(3)(v) of the Act is misplaced.

**The Department believes that Section 306(f.1)(3)(v) of the Act is clear and, together with subsection (3)(i), provides the Commissioner with statutory authority to promulgate this rulemaking.**

IFP also states that the Department's proposed regulation fails to comply with the requirements of the Regulatory Review Act.

**The IFP appears to assert that the Department's determination that the existing reimbursement rate was not reasonable should have been included in the body of the regulation itself. Under the Act, however, only the new reimbursement rate is to be promulgated by regulation following the Department's determination that an existing rate is not reasonable. In promulgating this rulemaking, the Department has fully complied with the requirements of the Regulatory Review Act, including publishing notice of the proposed rulemaking in the *Pennsylvania Bulletin* and accepting public comments thereon.**

#### ***Affected Parties***

The final form rulemaking will affect all anesthesiologists who provide anesthesia services to persons whose care is reimbursed under the Workers' Compensation Program when the

anesthesia conversion factor is a basis for reimbursement. It will also affect all insurers and others who directly or indirectly assume responsibility for the costs of medical care provided under the Workers' Compensation Program

***Fiscal Impact***

*State Government*

There will be no increase in cost to the Department due to the adoption of the Chapter 167.

*General Public*

There will be no fiscal impact to the public.

*Political Subdivisions*

The rulemaking will not impose additional costs on political subdivisions.

*Private Sector*

There is minimal fiscal impact as a result of the final form rulemaking. There is no specific data available identifying the precise costs associated with the cost of anesthesiology benefits under the workers compensations system. However, it is known that the expenses resulting from medical benefits are approximately 45% of total loss expenses. In addition, the loss expenses resulting from anesthesiology is a minor cost in comparison to the total costs of surgical expenses. Therefore even though the regulation will increase the reimbursement of anesthesiology expenses by 63%, it should affect the overall costs only minimally.

*Paperwork*

There is no anticipated additional paperwork expected as a result of this final form rulemaking.

***Effectiveness/Sunset Date***

The rulemaking will become effective upon final adoption and publication in the *Pennsylvania Bulletin* as final-form rulemaking. The Department continues to monitor the effectiveness of regulations on a triennial basis; therefore, no sunset date has been assigned.

**Contact person**

Any questions regarding this regulation, should be directed to Peter J. Salvatore, Regulatory Coordinator, Office of Special Projects, 1326 Strawberry Square, Harrisburg, PA 17120, phone (717) 787-4429. In addition, questions may be e-mailed to [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us) or faxed to (717) 705-3873.

**Regulatory review**

Under section 5(a) of the Regulatory Review Act, (71 P.S. §745.5(a)), the agency submitted a copy of this regulation on October 19, 2004 to the Independent Regulatory Review Commission and to the Chairmen of the House Insurance Committee and the Senate Banking and Insurance Committee. In addition to the submitted regulation, the agency has provided the Commission and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the agency in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of that material is available to the public upon request.

In preparing this final form regulation, the Department considered all comments received from IRRC, the Committees and the public. This final form regulation was (deemed) approved by the House and Senate Committees on \_\_\_\_\_. In accordance with section 5a(d) of the Regulatory Review Act (71 P.S. §745.5a(d)), IRRC met on \_\_\_\_\_ and (deemed) approved the regulation in accordance with section 5a(e) of the Regulatory Review Act (71 P.S. §745.5a(e)).

**Findings**

The Commissioner finds that:

- (1) Public notice of intention to adopt this rulemaking as amended by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201 and 1202) and the regulations thereunder, 1 Pa. Code §§7.1 and 7.2.
- (2) The adoption of this rulemaking in the manner provided in this order is necessary and appropriate for the administration and enforcement of the authorizing statutes.

**Order**

The Commissioner, acting under the authorizing statutes, orders that:

- (a) The regulations of the Department, 31 Pa. Code, are amended by adopting §§167.1-167.2, to read as set forth in Annex A.

(b) The Commissioner shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Commissioner shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) The regulation adopted by this order shall take effect upon final publication in the *Pennsylvania Bulletin*.

M. Diane Koken  
Insurance Commissioner

**Annex A**

**TITLE 31. INSURANCE. PART VIII. MISCELLANEOUS PROVISIONS. CHAPTER  
167. Workers' Compensation Act-Provider Fees.**

**Sec.**

|              |   |
|--------------|---|
| <b>167.1</b> | <b>Purpose.</b>                         |
| <b>167.2</b> | <b>Payment for Anesthesia Services.</b> |

**§ 167.1. Purpose.**

The purpose of this chapter is to set the allowance for anesthesia services provided to patients under the Pennsylvania Workers' Compensation Act (77 P.S. §§1-2626) when the allowance utilizes the anesthesia conversion factor.

**§ 167.2. Payment for Anesthesia Services.**

The Workers' Compensation Part B Fee Schedule shall be amended by multiplying the anesthesia conversion factor applicable to Codes 100-1999 by a multiplier of 1.632. The Fee Schedule, as amended, shall apply to anesthesia services provided in all regions after \_\_\_\_\_ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking*).



**COMMONWEALTH OF PENNSYLVANIA  
INSURANCE DEPARTMENT**

**SPECIAL PROJECTS OFFICE**  
1326 Strawberry Square  
Harrisburg, PA 17120

Phone: (717) 787-4429  
Fax: (717) 772-1969  
E-mail: [psalvatore@state.pa.us](mailto:psalvatore@state.pa.us)

October 19, 2004

Mr. Robert Nyce  
Executive Director  
Independent Regulatory Review Comm.  
333 Market Street  
Harrisburg, PA 17101

Re: Insurance Department Final Form Regulation No. 11-222, Workers' Compensation Act – Provider Fees

Dear Mr. Nyce:

Pursuant to Section 5a(c) of the Regulatory Review Act, enclosed for your review and approval is final form regulation 31 Pa. Code, Chapter 167, Workers' Compensation Act – Provider Fees

The purpose of this final form rulemaking is to adopt Chapter 167 setting the allowance for anesthesia services provided to patients under the Pennsylvania Workers' Compensation Act when the allowance utilizes the anesthesia conversion factor. The rate established by Section 167.2 shall be used for the period from the effective date of this regulation and updated annually thereafter in accordance with the provisions of 34 Pa. Code §127.162 and Section 306(f.1)(3)(ii) of the Pennsylvania Workers' Compensation Act (77 P.S. §531(3)(ii)).

If you have any questions regarding this matter, please contact me at (717) 787-4429.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Peter J. Salvatore".

Peter J. Salvatore  
Regulatory Coordinator



**The Final Form Regulation listed below has been sent to the following:**

| <b>Reg #</b>  | <b>Regulation Title</b>                        | <b>Date Sent</b>               | <b>10/19/2004</b> |
|---|--|--------------------------------|-------------------|
| <b>11-222</b>   | <b>Workers' Compensation Act-Provider Fees</b> |                                |                   |
| <hr/>   |  |                                |                   |
| <b>Mr. Samuel R. Marshall</b>                         |  |                                |                   |
| <b>President</b>                                      |  |                                |                   |
| <b>Insurance Federation of Pennsylvania, Inc.</b>     |  |                                |                   |
| <b>1600 Market St.</b>                                |  |                                |                   |
| <b>Philadelphia, PA 19103</b>                         |  |                                |                   |
| <b>Phone (215) 665-0505 X00000</b>                    |  | <b>Letter Co-Author</b>        |                   |
|   |  | <b>EMail sammy1@ifpenn.org</b> |                   |
| <hr/>   |  |                                |                   |
| <b>Ms. Joan Joyce Carl</b>                            |  |                                |                   |
| <b>CRNA MS</b>  |  |                                |                   |
| <b>Pennsylvania Association of Nurse Anesthetists</b> |  |                                |                   |
| <b>908 North Second Street</b>                        |  |                                |                   |
| <b>Harrisburg, PA 17102</b>                           |  |                                |                   |
| <b>Phone (800) 495-7262 X00000</b>                    |  | <b>Letter Co-Author</b>        |                   |
|   |  | <b>EMail</b>                   |                   |
| <hr/>   |  |                                |                   |
| <b>Dr. Jitendra M. Desai, M.D.</b>                    |  |                                |                   |
| <b>President</b>                                      |  |                                |                   |
| <b>Pennsylvania Medical Society</b>                   |  |                                |                   |
| <b>777 East Park Drive</b>                            |  |                                |                   |
| <b>Harrisburg, PA 17105-8820</b>                      |  |                                |                   |
| <b>Phone (717) 558-7750 X00000</b>                    |  | <b>Letter Co-Author</b>        |                   |
|   |  | <b>EMail stat@pamedsoc.org</b> |                   |

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 11-222  
 SUBJECT: Workers' Compensation Act - Provider Fees  
 AGENCY: DEPARTMENT OF INSURANCE

# 2409

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

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 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

| DATE                | SIGNATURE                     | DESIGNATION                                      |
|---------------------|-------------------------------|--|
| 10/19/04            | <i>Sheila Cabot</i>           | HOUSE COMMITTEE ON INSURANCE                     |
| <del>10/19/04</del> | <del><i>[Signature]</i></del> |  |
| 10/14/04            | <i>Tom L. Her</i>             | SENATE COMMITTEE ON BANKING & INSURANCE          |
| 10/19/04            | <i>T. McDaniel</i>            |  |
| 10/19/04            | <i>[Signature]</i>            | INDEPENDENT REGULATORY REVIEW COMMISSION         |
| _____               | _____                         | ATTORNEY GENERAL (for Final Omitted only)        |
| _____               | _____                         | LEGISLATIVE REFERENCE BUREAU (for Proposed only) |

October 7, 2004