

Final Rule

LSA Document #05-266(F)

DIGEST

Amends [760 IAC 1-60-5](#) regarding the Indiana Patient's Compensation Fund surcharge rates for fellowships, part-time and locum tenen physicians. Effective 30 days after filing with the Publisher.

[760 IAC 1-60-5](#)

SECTION 1. [760 IAC 1-60-5](#) IS AMENDED TO READ AS FOLLOWS:

[760 IAC 1-60-5](#) Part-time and retired physiciansAuthority: [IC 34-18-5-2](#)Affected: [IC 25-22.5-1-1.1](#)

Sec. 5. (a) A physician who practices medicine on a part-time basis shall pay a reduced surcharge as follows:
(1) A physician who practices medicine ~~ten (10)~~ **twelve (12)** hours per week or less shall receive a credit equal to seventy-five percent (75%) of the surcharge amount.

(2) A physician who practices medicine more than ~~ten (10)~~ **twelve (12) hours** but less ~~fewer [sic.]~~ **fewer [sic.]** than ~~twenty (20)~~ **twenty-five (25)** hours per week shall receive a credit equal to fifty percent (50%) of the surcharge amount.

(3) A physician who practices medicine more than twenty-five (25) hours per week but fewer than thirty-one (31) hours per week shall receive a credit equal to twenty-five percent (25%) of the surcharge amount.

(b) Medical school faculty shall receive a credit equal to sixty-seven percent (67%) of the surcharge amount. As used in this subsection, "medical school faculty" means a physician engaged in research or teaching at a medical school as defined in [IC 25-22.5-1-1.1](#)(h). To be eligible for the credit, ~~no~~ **not** more than thirty percent (30%) of the physician's time may be spent treating patients whose treatment is unrelated to the physician's duties at the medical school.

(c) Newly licensed physicians shall receive a credit equal to fifty percent (50%) of the surcharge amount during their first year of practice and twenty-five percent (25%) during their second year. For purposes of this subsection, a physician is considered newly licensed for two (2) years after:

- (1) completion of a residency program or a fellowship program in their medical specialty; or
- (2) the fulfillment of a military obligation in remuneration for medical school tuition.

(d) A physician participating in a fellowship program shall pay the following:

(1) If the fellowship is full time and the physician is engaging in no other medical practice, the physician shall pay an annual surcharge equal to fifty percent (50%) of the surcharge due for the specialty class of the fellowship.

(2) If the physician is engaging in a medical practice outside of the fellowship, the physician shall pay the greater of the following:

(A) The full-time surcharge due for the medical practice outside of the fellowship.

(B) Fifty percent (50%) of the surcharge due for the specialty class of the fellowship.

For purposes of this subsection, "part-time" has the meaning described in subsection (a)(2).

~~(d)~~ **(e)** A retired physician shall pay an annual surcharge in the amount of five hundred dollars (\$500).

~~(e)~~ **(f) Not** more than one (1) credit may be applied to a physician in any policy year.

(Department of Insurance; [760 IAC 1-60-5](#); filed Oct 23, 1998, 2:45 p.m.: 22 IR 756; filed Aug 6, 1999, 2:35 p.m.: 22 IR 3936; filed Apr 26, 2004, 2:00 p.m.: 27 IR 2730, eff Jul 1, 2004; filed Aug 23, 2006, 3:58 p.m.: [20060906-IR-760050266FRA](#))

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