

Chapter Grp 25

STATE INCOME CONTINUATION INSURANCE

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Note: Chapter Grp 25 as it existed on February 28, 1977 was repealed and a new chapter Grp 25 was created effective March 1, 1977.

Grp 25.01 Coverage. The income continuation insurance plan authorized by s. 40.146, Stats., shall be an integrated plan of short and long-term coverage. Participation shall be voluntary with each employee but each employee who elects to participate shall be covered under both the short and long-term coverage.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.02 Eligibility. (1) Each employee, as defined by the s. 40.11 (2), Stats., other than an annuitant, shall be covered without evidence of insurability if the employee completes the application form prescribed by the director and that such form is received by the employing department within 31 days after the initial date of eligibility.

(2) The initial date of eligibility shall be determined in accordance with the provisions of s. 40.11 (2) (a) 1 or 2, Stats.

(3) Subject to the provisions of (2), such coverage shall be effective on the first day of the month which begins on or after the date the application is received by the employing department.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.03 Coverage after initial date of eligibility. (1) EVIDENCE OF INSURABILITY. Any eligible employee, who does not elect to be covered during the initial period of eligibility defined under Grp 25.02, may seek such coverage by providing the insurance carrier with a completed application of evidence of insurability on the form provided by the director. Such evidence of insurability shall be reviewed subject to the health underwriting standards established for the program and approved by the group insurance board. If the employee's application is approved, insurance coverage shall become effective on the first day of the month following the date of approval. Evidence of insurability shall also be required for those individuals who are insured through the provisions of s. 40.146 (11) Stats., and who wish to change coverage from a longer waiting period to a lesser waiting period.

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(2) **DEFERRED COVERAGE.** (a) The requirement of submitting satisfactory evidence of insurability shall be waived for any employe who does not elect to be insured during the initial enrollment period, but who initially becomes eligible for state contribution toward premium or an increase in the premium contribution paid by the state pursuant to s. 40.146, Stats., providing the employe completes the application form provided by the director and submits the application form to the employing department on or before January 31 of the following calendar year or in the case of employes who qualify for state contribution under the provisions of s. 40.146 (11), Stats., within 31 days from the date they complete one year of service and qualify for employer contribution.

(b) Employes who accrue sufficient sick leave to qualify for state contributions or increased state contributions and who submit applications during the month of January shall have coverage effective as of March 1. Premium determinations and eligibility shall be predicated on the accrual or total accumulation of sick leave recorded and credited to the previous calendar year.

(c) Employes who defer coverage during the initial period of eligibility and subsequent periods of eligibility provided under (2) (a) may not enter the program unless the employe submits satisfactory evidence of insurability. However, an employe, including unclassified faculty, who meets the requirements of s. 40.146 (7) (c), Stats., may be insured according to the provisions of (2) (b).

(3) For employes obtaining coverage under (1) of this section, premium shall be based on salary and sick leave in effect at the time coverage becomes effective.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; cr. (3), Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.04 Initial premiums. When coverage is effective multiple premium contribution may be required to pay premiums on a current basis.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.05 Continuation of coverage during periods of authorized leave. (1) Any insured employe may continue to be insured during any period of leave authorized by the employing department, including seasonal or temporary layoffs, not to exceed 3 months for which employe contributions would not have otherwise been made while such a person continues to be a state employe but receives no earnings from the state.

(2) An employe may continue coverage during such period of interruption of earnings specified in subsection (1) if the employe has authorized a payroll deduction in an amount sufficient to pay the required contribution for the entire period or has made payment therefore.

(3) Coverage beyond 3 months specified in subsection (1) but not to exceed 24 months may be provided for any employe if not later than 31 days following the interruption of earnings such employe has paid, either through payroll deduction or otherwise, the full premium including the state portion thereof, for all the months beyond the 3 months specified in subsection (1).

(4) The qualifying period for benefits for an employe who becomes disabled while on authorized leave shall be the same period the employe

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would have been required to serve if the employe would have been in pay status at the time of such disability.

(5) "Earnings" for the purpose of premium and benefits under this section shall be determined in accordance with the provisions of Grp 25.11 and 25.165.

(6) Any insured employe who allows coverage to lapse during a period of authorized leave by not authorizing premium payments under subsection (2) or (3) may reinstate coverage without furnishing medical evidence of insurability by submitting an application to the employing department within 31 days following the return to active employment. Such coverage shall be effective on the first day of the month which begins on or after the date the application is received by the employing department.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; cr. (6), Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.06 Cessation of premiums. An insured employe who is totally disabled as defined under section Grp 25.14 shall pay no premiums for the coverage period beginning on the first day of the month following the month for which initial payment of income continuation benefits become payable. Such waiver of premiums shall continue through the last day of the month in which income continuation benefits are terminated.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.07 Termination of coverage. The insurance of an employe shall immediately terminate on the day the employe resigns or is dismissed from state employment, elects early retirement, attains age 70 or an age determined by the employer to be a measure of a bonafide occupational qualification, whichever first occurs. When coverage ceases because of termination of employment or attainment of an age limitation, a full months premium is required for any month or portion of a month for which earnings are paid. An employe who has terminated employment may apply within 31 days after termination of coverage, for any non-group conversion policy that the group insurance board is able to provide through contract with a private insurance organization. Such coverage, if any, shall be provided in accordance with the contract negotiated by the board and in effect on the date the employe terminates employment. If the board is unable to negotiate a non-group conversion policy, coverage shall terminate as stated in this section.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.075 Waiver of coverage. Any employe in active employment for whom the employe portion of premiums have not been submitted for a period of 12 consecutive months shall be deemed to have waived coverage. Such employe may again obtain coverage only under Grp 25.03 (1) or (2).

History: Cr. Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.08 Benefits for disabled employes who have reached normal retirement date. (1) Except as provided under (2) and (3), Income continuation insurance, benefits shall cease for any employe at the end of the month in which the employe reaches normal retirement age as

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defined under s. 41.02 (23), or subch. I of ch. 42, Stats., for annuity computation purposes.

(2) Except as provided under (3), the maximum duration of benefits for disabled insured employes shall be as follows:

| <u>Age at Disablement</u> | <u>Maximum Duration of Benefits in Years</u> |
|-------------------------------|--|
| 61 or younger | To age 65 |
| 62 | 3.50 years |
| 63 | 3.00 years |
| 64 | 2.50 years |
| 65 | 2.00 years |
| 66 | 1.75 years |
| 67 | 1.50 years |
| 68 | 1.25 years |
| 69 | 1.00 year |

In no event are benefits payable beyond the 70th birthday.

(3) For any employe in an occupation where the employer has determined that age is a bonafide occupational qualification, coverage and benefits shall cease at the retirement age established by the employer in accordance with the law.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (1) and cr. (2) and (3), Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.09 Gross monthly premiums. The gross monthly premiums for income continuation insurance shall be based on the earnings level and accumulated sick leave as shown in Table I and II—Gross Monthly Premiums For Integrated Short and Long Income Continuation Insurance.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.10 State contributions. State contributions towards premium for income continuation insurance shall be made in accordance with the provisions of s. 40.146 Stats., and the rates established in Table IV, Monthly Premiums for Unclassified Faculty and Table V—State Contributions, Expressed As A Percentage of Employee Contributions. The determination of state contribution toward premium shall be made in February of each year, based on the total accumulation of unused sick leave recorded and credited to the preceding calendar year. Changes in state contribution towards premiums shall be effective for coverage beginning March 1 of each calendar year. Except as provided under s. 40.146, Stats., the percentage of state contribution towards income continuation insurance shall be determined as follows:

(1) The state shall contribute 100% towards the premium for short-term coverage for each employe who has accumulated at least 10 days of unused sick leave during the previous calendar year.

(2) The state shall contribute 100% towards the premium for short-term coverage for each employe who has accumulated at least 65 days of unused sick leave.

(3) The state shall contribute 50% towards the premium for long-term coverage for each employe who has accumulated at least 65 days of unused sick leave; 75% for each employe who has accumulated at least

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91 days; and 100% for each employe who has accumulated at least 130 days.

(4) The employe's total accumulation of unused sick leave days recorded and credited for the preceding calendar year shall be used to determine state contribution towards premiums under subsections (2) and (3) of this section. A permanent record of each employe's accumulated sick leave shall be maintained so that the proper state contribution towards premium may be determined in subsequent years, even though an employe's total accumulated sick leave may be less because of increased utilization.

(5) When an employe returns to employment after a period of disability during which accumulated sick leave days or hours were diminished or exhausted, the state contribution towards premium shall be reinstated at the rate category which was in effect prior to the date the disability began. However, the gross premium shall be established pursuant to Table I—Gross Monthly Premiums For Income Continuation Insurance or Table II—Gross Premium for Unclassified Faculty.

(6) Pursuant to s. 40.146, Stats., the following 6 premium categories of sick leave accumulations are established in Tables I, III and V:

1—Less than 10 days in the preceding calendar year and less than 23 days total accumulation.

2—Less than 10 days in the preceding calendar year and 23 to 65 days of total accumulation.

3—At least 10 days in the preceding calendar year but less than 65 days total accumulation.

4—65 days but less than 91 days total accumulation.

5—91 days through 130 days total accumulation.

6—More than 130 days total accumulated sick leave.

(7) Pursuant to s. 40.146 Stats., permanent part-time employes who are eligible for inclusion under the state retirement system and qualify for the inclusion under s. 40.11 (2), Stats., shall be eligible to participate under the income continuation plan and shall pay premiums which will be determined on the total amount of sick leave accumulated for categories 2, 4, 5 or 6 or the prorated accrual of sick leave by said employes for category 3. Benefits will be paid according to the provisions of Grp 25.165.

History: Cr. Register, February, 1977, No. 254, off. 3-1-77.

Grp 25.11 Employe contributions. (1) For all employes except unclassified faculty, contributions towards premium for income continuation insurance shall be made in accordance with rates established in Table III—Employe Contributions For All Employes Except Unclassified Faculty.

(2) For unclassified faculty, employe contributions shall be determined in accordance with Table II or IV—Monthly Premiums for Unclassified Faculty.

(3) (a) Employes who are employed on seasonal or academic year appointments of less than 12 calendar months shall pay premium on the basis of state earnings from the prior calendar year.

(b) Whenever such employe does not receive state seasonal or academic earnings for all of the entire preceding calendar year or resumes state service after an interruption of seasonal or academic earnings extending 3 consecutive months or more, the departmental representative shall estimate the seasonal or academic earnings to be received during the ensuing 12 months and such shall be the annual basis of earnings. Such projected earnings shall not continue to be a basis for earnings and benefits beyond the ensuing calendar year.

(c) For an employe of an educational institution, who has entered into an agreement with the employer for the purpose of providing a tax deferred annuity pursuant to section 403 (b), Internal Revenue Code of 1954 as amended, earnings shall be deemed the total amount reported by the state for purposes of employe contribution to the Wisconsin retirement fund or the state teachers retirement system. An educational institution means only an educational facility which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where educational activities are carried on.

(d) Except as provided by Grp. 25.11 (3) (b) and (c) the amount of insurance for seasonal or academic year appointments of less than 12 calendar months, shall be the total earnings paid to the employe by the state during the previous calendar year, rounded to the next highest thousand and divided by 12 calendar months. Except as provided herein, such earnings, for the purpose of premium and benefit determinations, shall be based on the total amount reported by the state for Wisconsin income tax purposes.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.12 Qualifying period. An insured employe qualifies for income continuation benefits on the day after which he or she has been totally disabled for 22 work days, or the selected waiting period under Table II or IV, but benefit payments shall not be made while earning are received or payable for accumulated sick leave hours.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.13 Maximum use of sick leave. (1) The maximum number of sick leave days that a disabled employe shall be required to use before benefit payments will begin is 130 days of accumulated sick leave. If a disabled employe elects to continue to receive sick leave beyond 130 days, benefits under this program will be made in accordance with the provisions of Grp 25.12.

(2) This maximum limitation will not apply in those cases where an employe is determined to be totally and permanently disabled.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (2), Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.14 "Totally disabled" defined. (1) During the first 12 months of disability, "totally disabled" means the employe's inability by reason of any medically determinable physical or mental impairment, to perform each and all of the material duties pertaining to his or her occupation or like occupation for which the employe is reasonably qualified, with due regard to education, training and experience.

(2) After the first 12 months, "totally disabled" means the employe's complete inability by reason of any medically determinable, physical or

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mental impairment, to engage in any substantial gainful activity for which the employe is reasonably qualified, with due regard to the employe's education, training, experience, and prior economic status.

(3) An employe who qualifies for benefits under the disability provisions of a state retirement system or social security program shall be required to furnish no further proof that initially the employe meets the definition of "totally disabled" under subsection (1) or (2) but thereafter and at reasonable intervals, proof of continued disability may be required pursuant to subsection (5).

(4) House confinement shall not be required as a condition of disability but a disabled employe must be under the direct care of a licensed physician (other than himself) during the period of disability. An employe who is under direct care of medical specialists other than a licensed physician, who have been recommended by the initial attending physician, shall qualify under the provisions of this section subject to authorization by the board.

(5) The group insurance board or its authorized representative may initially and at reasonable intervals require the disabled employe to submit proof of total disability and may require independent medical examinations by licensed physicians of the board's choosing.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; am. (3), Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.15 Integrated benefits. (1) Benefit payments from income continuation insurance shall be reduced by benefits paid or payable from the following sources:

(a) Worker's Compensation Act—Benefit payments may be reduced retroactively by the group insurance board for temporary or permanent disability awards or settlements made from this source where such awards or settlements are distinguishable as income replacement benefits.

(b) Any Employer Liability Law.

(c) Any Occupational Disease Law.

(d) The United States Social Security Act and amendments thereto or any similar act of any state or county. Payments shall be reduced only by primary social security benefits.

(e) Any state or federal disability or retirement plan.

(f) Any employer sponsored salary continuation plan.

(2) Where benefit payments from sources listed under subsection (1) are delayed, income continuation benefit payments may be made notwithstanding such delays and adjustments will be made later when benefit payments from other sources are actually made.

(3) For the purposes of determining benefits payable from income continuation insurance, social security (OASDHI) benefits and other applicable state and federal benefits shall be permanently offset at the level established when the initial benefit payment begins. Future changes in such disability payments, reflecting improvements or cost-of-living adjustments will not alter the amount originally established as an offset.

(4) Any employe applying for income continuation benefits must submit evidence acceptable to the board that the employe has taken all necessary action to obtain any other benefits available from sources listed in subsection (1) for which the employe was eligible to receive.

(5) If the board ascertains an employe, who is eligible for disability benefits under one of the sources listed in (1) and who has not acted in a timely fashion to apply for such benefit, the board may reduce the income continuation payments by the amount the board determines would have been payable from such source.

(6) If a state employe was receiving disability benefits from either state or federal programs prior to becoming subject to the eligibility provisions of s. 40.11 (2), Stats., and subsequently becomes disabled while insured under this program, such disability benefits will be offset only if the amount received from the other program is increased as a result of the subsequent disability.

(7) Notwithstanding the provisions of (1), if a disabled employe elects not to apply for a disability benefit, though eligible to do so, and applies for a state or federal retirement benefit in the normal form or elects that such disability benefit be other than the standard disability benefit, the amount offset under this section shall be set at the amount the disabled employe would have been eligible to receive under the standard disability provisions of said plan or plans if it is determined that the standard disability annuity would equal or exceed the amount of annuity available in the normal form.

Grp 25.16 Benefit payments. Benefit payments shall be based on an employe's earnings on the date the disability begins. Total benefit payments from income continuation plan combined with payments from other sources listed in section Grp 25.15 shall be determined in accordance with Table VI—Integrated Disability Benefit Table.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.165 Earnings defined. (1) Earnings means the basic salary, excluding overtime, payable to the employe by the state during the last complete payroll period prior to the date disability begins. Earnings shall not include income from other sources. Earnings for permanent part-time and academic year appointments shall be determined according to (2).

(2) For employes who are employed on seasonal, or academic year appointments of less than 12 calendar months earning shall be determined according to Grp 25.11 (3) (b) and (c), except that no benefits shall be payable unless the individual has satisfied the requirements of Grp 25.05 (4), and 25.12, Wis. Adm. Code.

(3) Income continuation benefits are available and paid to insured state employes for actual state earnings lost as a result of disability. Payments are based on earnings lost during each payroll period in which the insured employe would have normally worked and received salary. Except as provided under Grp 25.05 no benefits are available for payroll periods in which the employe would not have normally been in active employment status, and eligible for salary and sick leave benefits.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

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Grp 25.17 Duration of benefits, subject to the provisions of Grp 25.08. (1) Short-term disability benefits shall be payable during the 2-year period subsequent to the date the disability begins.

(a) Successive periods of disability due to the same or related medically determinable physical or mental impairment shall be considered one disability unless the periods of disability are separated by at least 10 successive work days during which the employe returns to full-time employment.

(b) Successive period of disability due to unrelated medically determinable physical or mental impairments shall be considered one disability unless the periods of disability are separated by at least one work day during which the employe returns to full-time employment.

(2) Long-term disability benefits shall begin after the two-year period specified in subsection (1).

(a) Successive periods of disability due to the same or related medically determinable physical or mental impairment shall be considered one disability unless the periods of disability are separated by at least six successive months during which the employe is able to return to full-time employment.

(b) Successive periods of disability due to unrelated medically determinable physical or mental impairments shall be considered one disability unless the periods of disability are separated by at least 10 successive work days during which the employe is able to return to full-time employment.

(3) Rehabilitative employment, as provided under section Grp 25.18, shall not be considered a return to full-time employment under subsections (1) or (2).

(4) If an employe returns to full-time employment for the periods specified in subsections (1) and (2) and is subsequently disabled again, it shall be considered a new disability and the qualification period established under section Grp 25.12 shall apply. Except for employes participating under approved rehabilitation plans under Grp 25.18, a return to full-time employment will mean performing a minimum of 80 hours employment within 20 successive workdays. For employes whose normal work schedule is less than 80 hours bi-weekly, the minimum period cited herein shall be prorated.

(5) No benefits shall be payable for any period after the date of an insured's death.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; cr. (5), Register, December, 1979, No. 288, eff. 1-1-80.

Grp 25.18 Rehabilitative training. (1) Rehabilitative plans approved by the board shall be available for disabled employes after they have qualified for income continuation benefits.

(2) Rehabilitative plans shall include:

(a) Education programs which have as their primary purpose the training or retraining of a disabled employe so that the employe may engage in gainful activity. Such programs need not be limited to formal vocational rehabilitative training.

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- (b) Full or part-time on-the-job training or retraining.
- (c) Part-time return to prior position.

(3) Income continuation payments shall not be reduced because the employe is participating in an educational program provided under subsection (2) (a), if the employe receives no earnings from such program. Payments may be increased by an amount equal to any reduction in the employe's income from sources listed under section Grp 25.15, if such reduction is caused by the employe's participation in the educational program. Supplemental benefits shall be available to pay all or a part of the reasonable cost of educational programs, including tuition, books and other necessary materials not available from other sources.

(4) Income continuation payments shall be reduced by an amount equal to 75% of the gross earnings that a disabled employe receives from rehabilitative training provided under sub. (2) (b) or (c).

(5) If a disabled employe is determined to be physically and mentally capable of rehabilitative training but refuses to participate in such a program, the board may authorize the termination or suspension of disability benefits.

(6) If a disabled employe is determined to be physically and mentally capable of rehabilitative training and enters a rehabilitation program approved by the state division of vocational rehabilitation and the board, the board may waive all or part of the provisions of Grp 25.18 (4) for a period not-to-exceed 9 months.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.19 World wide coverage. An insured employe shall not be denied coverage solely because of travel or residency in any geographic location.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.195 Termination or suspension of benefit payments. Disability benefit payments may be suspended or terminated if information necessary to determine the employe's disability status cannot be obtained through reasonable means.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77.

Grp 25.20 Limitations. Benefits shall not be payable for disability which is the direct or indirect result of:

- (1) War, declared or undeclared. The fact of war shall be determined by the Board.
- (2) Intentional self-inflicted injury.
- (3) The commission of a felony.
- (4) Disabilities resulting from cosmetic surgery, except for complications thereof.
- (5) Total disability which commences prior to the effective date of coverage.

History: Cr. Register, February, 1977, No. 254, eff. 3-1-77; cr. (5), Register, December, 1979, No. 288, eff. 1-1-80.

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Grp 25.21 Cancellation of coverage. An employe may cancel income continuation insurance by giving written notice of cancellation on a form provided by the director to the employing department. Cancellation of such coverage shall be effective at the end of the period for which normal payroll deduction for premiums have been made. Such notice must be forwarded to the group insurance bureau immediately. Refunds of premiums to employes who have cancelled their coverage shall be made only if a written request for such a refund is received by the group insurance bureau no later than the 20th day of the month. Such refund will be made for any premium collected for premium periods beyond the month in which the request was made.

History: Cr. Register, February, 1977, No. 264, eff. 3-1-77.

Grp 25.22 Claims procedure. (1) Claim forms shall be available to the disabled employe from the employing department or from the group insurance bureau.

(2) Completed claims for disability benefits on forms prescribed by the bureau, must be submitted to the employing department by the employe no later than 22 days after the commencement of disability or as soon thereafter as it is reasonably possible.

(3) Completed claims for disability benefits must be signed by a licensed physician and surgeon.

(4) The employing department shall retain one copy of the claim and submit 2 copies to the group insurance bureau immediately.

History: Cr. Register, February, 1977, No. 264, eff. 3-1-77.

Grp 25.23 Assignment of benefits. Benefits payable under this chapter are non-assignable.

History: Cr. Register, February, 1977, No. 264, eff. 3-1-77.