



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2003 Wisconsin Act 144 [2003 Assembly Bill 669]	Worker's Compensation Law Changes
2003 Acts: www.legis.state.wi.us/2003/data/acts/	Act Memos: www.legis.state.wi.us/lc/act_memo/act_memo.htm

2003 Wisconsin Act 144 makes numerous changes to the state's Worker's Compensation Law. The Act is a product of the state's Worker's Compensation Advisory Council.

Among the changes made by the Act are the following:

- The Act adds physician assistants and advanced practice nurses to the list of medical professionals authorized to conduct worker's compensation examinations of employees.
- The Act makes various changes to the law and procedures governing disputes between worker's compensation insurers and health care providers relating to fees charged for and the necessity of treatment provided to an employee for a workplace injury. Those changes include:
 - Establishing a \$25 threshold for using the "reasonableness of fee" and "necessity of treatment" dispute resolution processes.
 - Reducing the standard deviation used in fee disputes from 1.5 to 1.4 for determining whether a charge for medical care is reasonable.
 - Providing an additional 30 days for the Department of Workforce Development (DWD) to set aside, reverse, or modify a "reasonableness of fee" or "necessity of treatment" determination based upon mistake.
- The Act specifies that in cases in which a portion of an award is appealed, the worker's compensation insurer must pay the uncontested amount within 21 days.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents.

- The Act allows worker's compensation insurance carriers to give notice of the cancellation or termination of a policy to DWD or the Wisconsin Compensation Rating Bureau by certified mail, fax transmission, email, or any other medium approved by DWD.
- The Act requires DWD to promulgate rules for determining when compensation for permanent disability must begin in cases in which the worker's compensation insurer concedes liability but disputes the extent of the permanent disability.
- The Act allows DWD to waive or reduce a forfeiture imposed on an employer or worker's compensation insurer for failing to keep required records or for falsifying such records if the violator requests a waiver of the reduction of the forfeiture within 45 days after notice or forfeiture is mailed to the violator and if the violator shows that the violation was due to mistake or an absence of information.
- The Act increases the maximum supplemental benefit rate paid for injuries occurring before May 13, 1980, and payable on the effective date of the Act from \$202 per week to \$233 per week.
- The Act increases the assessment employers and worker's compensation insurance companies are required to pay into the Work Injuries Supplemental Benefit Fund for injuries resulting in death from \$5,000 to \$10,000, and for injuries resulting in dismemberment from \$7,000 to \$10,000.
- The Act authorizes DWD to claim reimbursement from uninsured employers for expenses paid by DWD in administering the claim of an employee of the employer or dependents of the employee.

Effective Date: Generally, the Act takes effect on March 30, 2004.

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