

11hr\_SC-LPSUA\_sb0409\_pt01



(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ...  
PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Labor, Public Safety, and Urban  
Affairs (SC-LPSUA)

**COMMITTEE NOTICES ...**

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

**INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL**

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (July/2012)



Registrations for Information Only

- None.

February 15, 2012

**EXECUTIVE SESSION HELD**

Present: (5) Senators Wanggaard, Grothman, Lazich, Wirch and King.

Absent: (0) None.

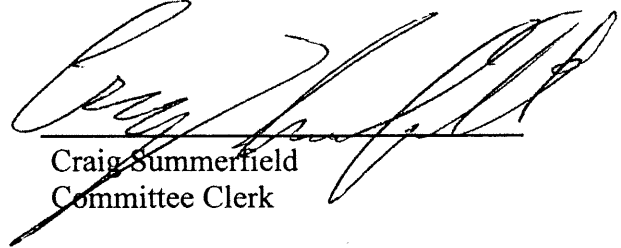
Excused: (0) None.

Moved by Senator Lazich, seconded by Senator King that **Senate Bill 409** be recommended for passage.

Ayes: (5) Senators Wanggaard, Grothman, Lazich, Wirch and King.

Noes: (0) None.

PASSAGE RECOMMENDED, Ayes 5, Noes 0



Craig Summerfield  
Committee Clerk

**Vote Record**  
**Committee on Labor, Public Safety, and Urban Affairs**

Date: 2/15/12

Moved by: LAZICH      Seconded by: KING

AB \_\_\_\_\_      SB 409      Clearinghouse Rule \_\_\_\_\_  
 AJR \_\_\_\_\_      SJR \_\_\_\_\_      Appointment \_\_\_\_\_  
 AR \_\_\_\_\_      SR \_\_\_\_\_      Other \_\_\_\_\_

A/S Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_  
 A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_  
 A/S Amdt \_\_\_\_\_ to A/S Amdt \_\_\_\_\_ to A/S Sub Amdt \_\_\_\_\_

Be recommended for:  
 Passage     Adoption     Confirmation     Concurrence     Indefinite Postponement  
 Introduction     Rejection     Tabling     Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<b>Senator Van Wanggaard, Chair</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Glenn Grothman</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Mary Lazich</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Robert Wirch</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Senator Jessica King</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Totals:</b>	<u>5-0</u>			



# WISCONSIN STATE LEGISLATURE





**WMC**  
WISCONSIN'S BUSINESS VOICE

To: Wisconsin State Legislature  
From: James Buchen, Senior Vice President  
Wisconsin Manufacturers and Commerce  
Stephanie Bloomingdale, Secretary-Treasurer  
Wisconsin State AFL-CIO  
Date: February 1, 2012  
Re: Support for Assembly Bill 499 and Senate Bill 409 - Recommendation of  
the Wisconsin Worker's Compensation Advisory Council

---

On behalf of the Wisconsin Worker's Compensation Advisory Council (WCAC) we want to share our support for the provisions of Assembly Bill 499 and Senate Bill 409, the product of deliberations by the members of the WCAC.

In its 2011-2012 deliberations, the WCAC considered a wide range of issues and the reform proposals before you represent the product of those deliberations.

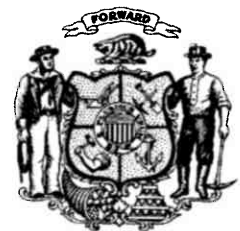
Our first priority was to advance policies aimed at lowering health care costs. To accomplish this objective the bill would lower the standard deviation used to determine the reasonableness of a disputed health service fee to 1.2 standard deviations from the mean. The bill also would require an audit of the databases certified by the DWD for the purposes of determining the reasonableness of health care charges and increase the maximum weekly compensation for permanent partial disability.

It takes the support of seven out of the ten council members to establish council support for a proposal and we believe this bill, passed unanimously by the Council, is a good compromise for all parties involved. Employers and employees benefit by a sound, stable approach to changes in the laws governing the worker's compensation program.

[Lastly we would like to thank the Chairs of the Assembly and Senate committees that oversee labor issues for scheduling this hearing.] We also want to thank the present and past committee chairs for their ongoing support of the advisory council process. In many states and jurisdictions these matters become politically contentious to the detriment of both parties at interest. We look forward to continuing our longstanding and productive relationship with the Wisconsin Legislature.



WISCONSIN STATE LEGISLATURE



---

Hearing on AB 499 / SB 409 relating to various changes in the worker's compensation law, granting rule-making authority, and making an appropriation.

Tuesday, February 1, 2012, 10:00AM  
State Capitol – Room 412 East

Testimony provided by Georgia Maxwell, Executive Assistant

The stated purpose of the Worker's Compensation program is to make the worker whole. With that in mind, Assembly Bill 499, also introduced as Senate Bill 409, represents the Worker's Compensation Advisory Council's unanimous recommendations for the 2011 – 2012 legislative session. The Worker's Compensation Advisory Council is composed of five representatives from organized labor, five representatives from employers, three non-voting representatives from worker's compensation insurers, two ex-officio legislative representatives and liaison members from the medical community. Since the law was enacted over 100 years ago, there has been an advisory council providing guidance to improvements that can be made to our Worker's Compensation law.

This legislation is the result of input from employers, organized labor, the department, and members of the public and represents the collective input of all members of the council. These proposed changes will increase the solvency of the Worker's Compensation Supplemental Benefits Fund in Wisconsin, aid those currently receiving worker's compensation and provide clarity to employers and insurers on various aspects of the worker's compensation program.

The Worker's Compensation Advisory Council has met eleven times since January 2011 to deliberate and prepare a bill for consideration by the legislature. I would encourage you to consider this bill and to support the provisions contained within. It is the department's belief that each of these changes will result in positive enhancements both for employers and for workers covered under the Worker's Compensation statute.

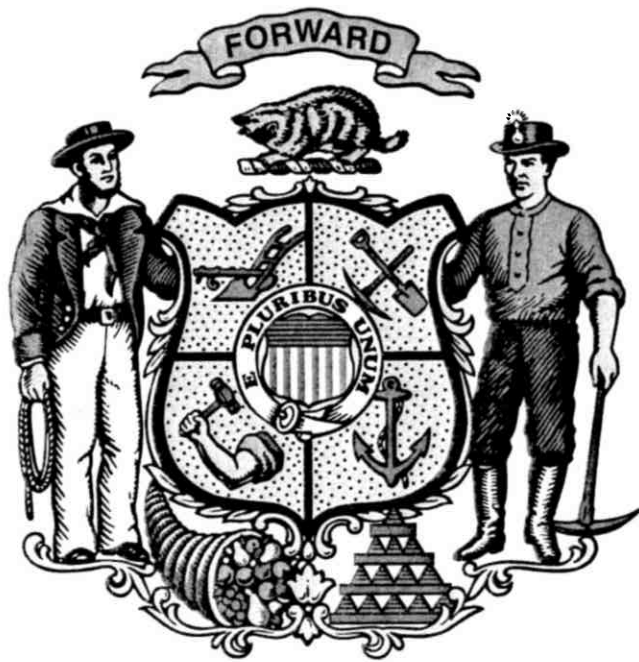
As a brief overview, this bill includes the following four major changes:

- An increase in the maximum weekly benefit rate for those receiving partial permanent disability payments to \$312 immediately and \$322 for injuries occurring on or after January 1<sup>st</sup>, 2013.
- Measures to contain the cost of health care, decreasing the reasonableness of a charge for a medical procedure from 1.4 to 1.2 standard deviations above the mean.
- Enhancements to enable injured workers to return to work more quickly by allowing workers enrolled in vocational rehabilitation to work up to 24 hours per week and to be reimbursed for the cost of tuition, fees and books in their vocational rehabilitation program.



- Changes that will increase the solvency of the Work Injury Supplemental Benefit Fund, ensuring that injured workers are able to receive the care that they need.

I am also joined by Worker's Compensation Division Administrator John Metcalf, who is prepared to offer testimony on the technical aspects of this bill.



Department of Workforce Development  
Division of Worker's Compensation  
201 East Washington Avenue  
P.O. Box 7901  
Madison, WI 53707-7901  
Telephone: (608) 266-1340  
Fax: (608) 267-0394  
Imaging Server Fax: (608) 260-2503  
TTY: (866) 265-3142  
Email: [dwdwc@dwd.wisconsin.gov](mailto:dwdwc@dwd.wisconsin.gov)



Scott Walker, Governor  
Reginald J. Newson, Secretary  
John Metcalf, Division Administrator

To: Members of the Senate Committee on Labor, Public Safety and Urban Affairs,  
and the Assembly Committee on Labor and Workforce Development

From: John Metcalf, Chair  
Wisconsin Workers Compensation Advisory Council

Date: February 1, 2012

Re: Senate Bill 409 and Assembly Bill 499

### **Background**

Senate Bill 409 and Assembly Bill 499 are the result of the deliberations of the Wisconsin Worker's Compensation Advisory Council over the past year. The Council's voting members unanimously recommended the provisions in these bills. There are ten voting members of the Council, five representing labor and five representing management interests. There are two ex officio legislative members of the Council. There are three non-voting representatives from workers compensation insurance carriers, and four individuals who are liaisons from various health care provider groups whose members treat worker's compensation claimants in Wisconsin.

### **Major Provisions of This Legislation:**

#### **Permanent Partial Disability Benefits**

The legislation contains modest increases of ten dollars per week to the maximum permanent partial disability (PPD) benefits available to injured workers for the remainder of this year and in 2013.

#### **Health Care Cost Containment**

The legislation recommends lowering the formula amount for determining the reasonableness of health care fees charged for the treatment of injured workers. The current formula reduces charges over 1.4 standard deviations from the mean of all charges for a given procedure to that amount. The legislation proposes reducing that formula to 1.2 standard deviations from the mean. The Advisory Council is proposing an audit of the current data bases that are used for determining the reasonableness of health care fees. If that audit is not undertaken within six months of the effective date of this legislation, then the formula would go to 1.3 standard deviations from the mean. An audit committee composed of a representative of Labor, Management and the Health Care Liaisons must recommend the parameters of the audit before it will be undertaken.

### **Vocational Rehabilitation**

This legislation has two provisions that should encourage claimants who go through the initial stages of vocational retraining to complete the recommended course of retraining. Both publicly funded and privately funded vocational retraining services will be placed on equal footing, and workers compensation claimants in vocational retraining will be allowed to earn up to twenty four hours of wages per week while receiving disability benefits. The latter provision has a "sunset" so that the Advisory Council will revisit this issue in its next cycle of deliberations in order to determine if there are any abuses of the provision.

### **Wisconsin Supplemental Benefits Fund**

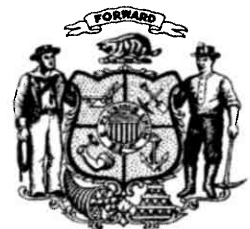
In order to assure the on-going solvency of the Wisconsin Supplement Benefits Fund, this legislation contains several initiatives to address solvency issues. The Supplemental Benefits Fund would be able to share in the proceeds of third party liability claims; a time limit would be placed on insurer's ability to claim reimbursement from the fund for permanent total disability supplemental benefits paid to PTD claimants; and claimants would be limited to one payment from the Second Injury Fund which is part of the Supplemental Benefits Fund. In addition, the legislation authorizes the Workers Compensation Division to engage the services of the Department of Administration Risk Management Bureau to administer claims on the Supplement Benefits Fund. Further, the bill addresses a recent Wisconsin Supreme Court decision affecting some old traumatic injury claims where the statute of limitations has expired. Finally, the legislation calls for steps to be taken by the Advisory Council and the Department in the event the Fund becomes encumbered at a level of 85% or more.

### **Conclusion**

On behalf of the Wisconsin Workers Compensation Advisory Council I thank the Committee Chairs for their prompt consideration of this legislation. I, along with my staff, will be happy to address any questions or issues that arise in the course of the Committees' consideration of this legislation. We hope that you will be able to report this legislation out of committee with a favorable vote for consideration by the full Legislature.



# WISCONSIN STATE LEGISLATURE





- [Home](#)
- [For Business](#)
- [For Individuals](#)
- [Divisions](#)
- [Partnerships](#)
- [Facts & Data](#)

[Home](#) > [Worker's Compensation Division](#) > [WC Advisory Council](#)

## State of Wisconsin Worker's Compensation Advisory Council Members

The composition of the Wisconsin Worker's Compensation Advisory Council is reflective of key players within the worker's compensation system voting representatives from organized labor; five voting management representatives; three non-voting representatives from the insurance industry department. The Council also has liaison representatives from the medical community

Jeffrey J. Beiriger  
President  
Association Management Services, Inc.  
2791B Edwards Street  
East Troy, WI 53120  
Phone: (414) 331-2059  
[Jeff@assocmgmtservices.com](mailto:Jeff@assocmgmtservices.com)

Stephanie Bloomingdale  
Secretary-Treasurer  
Wisconsin State AFL-CIO  
6333 Bluemound Rd.  
Milwaukee WI 53213  
Phone: (414) 771-0700  
Fax: (414) 771-1715  
[sbloomingdale@wisafclcio.org](mailto:sbloomingdale@wisafclcio.org)

Jeffrey Brand  
President, Care Management Division  
Health Systems International  
W384 N7439 Cottonwood Ct.  
Oconomowoc, WI 53066  
Phone: (262)490.0842  
[jbrand@us-hsi.com](mailto:jbrand@us-hsi.com)

James A. Buchen, Vice President  
Governmental Relations  
Wisc. Manufacturers & Commerce  
P.O. Box 352  
Madison WI 53701  
Phone: (608) 258-3400  
Fax: (608) 258-3413  
[jbuchen@wmc.org](mailto:jbuchen@wmc.org)

David Collingwood  
Claim Program Manager  
General Casualty Insurance Company  
One General Drive  
Sun Prairie, WI 53596  
608-825-5573 (phone)

Christine Pehler  
WC Claims Manager  
Ashley Furniture Industries  
One Ashley Way  
Arcadia, WI 54612  
608-323-6314 (phone)  
608-323-6009 (fax)  
[CPehler@Ashleyfurniture.com](mailto:CPehler@Ashleyfurniture.com)

Scott Redman  
Plumbers and Gas Fitters Local 75  
11175 W. Parkland Avenue  
Milwaukee, WI 53224  
Phone: 414-359-1310  
Fax: 414-359-1323  
[sredman@plumbers75.com](mailto:sredman@plumbers75.com)

Brad Schwanda  
UAW Region 4  
680 Barclay Blvd.  
Lincolnshire, IL 60069  
Phone: 847-459-3888  
[BSchwanda@uaw.net](mailto:BSchwanda@uaw.net)

Monica Thomas  
United Steel Workers, District 2  
1533 Grange Avenue  
Racine, WI 53405  
262-635-8542  
[monie50@att.net](mailto:monie50@att.net)

Ex-Officio Legislative Members  
Joan Ballweg  
State Representative  
Room 119 West  
State Capitol  
P O Box 8952

608-825-5122 (fax)  
[david.collingwood@us.qbe.com](mailto:david.collingwood@us.qbe.com)

Jodie M. Connor  
 WC Claims Manager  
 Liberty Mutual Insurance  
 2000 Westwood Drive  
 P. O. Box 8016  
 Wausau, WI 54401  
 Phone: 715-847-8221  
 Fax: 603-334-8158  
[Jodie.Connor@LibertyMutual.com](mailto:Jodie.Connor@LibertyMutual.com)

Ron Kent  
 AFSCME  
 706 Bruce Court  
 Madison, WI 53705  
 Phone: (608)231-1886  
[rckent@tds.net](mailto:rckent@tds.net)

John Metcalf, Chair  
 Worker's Compensation Advisory Council  
 201 E. Washington Ave.  
 Madison WI 53702  
 Phone: (608) 266-6841  
 Fax: (608) 267-0394  
[John.Metcalf@dwd.wisconsin.gov](mailto:John.Metcalf@dwd.wisconsin.gov)

Mary Nugent  
 We Energies  
 333 W. Everett, Suite A149  
 Milwaukee, WI 53203  
 414-221-2878 (phone)  
 414-221-4266 (fax)  
[Mary.Nugent@we-energies.com](mailto:Mary.Nugent@we-energies.com)

Bruce Olson  
 WC Corporate Claims Specialist  
 Sentry Insurance Company  
 1800 North Point Drive  
 Stevens Point, WI 54481  
 Phone: (715)346-9393  
 Fax: (715)346-7112  
[bruce.olson@sentry.com](mailto:bruce.olson@sentry.com)

Updated December 27, 2011  
 Division of Worker's Compensation  
 Content Contact: [WCLEGAL](http://wclegal.com)

Madison, WI 53708  
 Phone: (608) 266-8077  
 Fax: (608) 262-3641  
[Rep.Ballweg@legis.wisconsin.gov](mailto:Rep.Ballweg@legis.wisconsin.gov)

Ex-Officio Legislative Members  
 Van Wanggaard  
 State Senator  
 Room 319 South  
 State Capitol  
 P O Box 7882  
 Madison, WI 53707  
 Phone: (608) 266-1832  
 Fax: 608-267-6793  
[Sen.Wanggaard@legis.wisconsin.gov](mailto:Sen.Wanggaard@legis.wisconsin.gov)

Liaison to Council  
 Russell A. Leonard, Executive Director  
 Wisconsin Chiropractic Assoc.  
 521 E. Washington Ave.  
 Madison WI 53711  
 Phone: (608) 256-7023  
 Fax: (608) 256-7123  
[rleonard@aol.com](mailto:rleonard@aol.com)

Liaison to Council  
 Laura Leitch  
 Vice President & General Counsel  
 Wisconsin Hospital Association  
 5510 Research Park Drive  
 P O Box 259038  
 Madison, WI 53725  
 Phone: (608)268-1823  
 Fax:(608)274-8554  
[lleitch@wha.org](mailto:lleitch@wha.org)

Liaison to Council  
 Mark M. Grapentine, JD  
 Senior Vice President, Government Relations  
 Wisconsin Medical Society  
 330 E. Lakeside St.  
 Madison WI 53715  
 Phone: (608) 442-3768  
 Fax: (608) 442-3802  
[mark.grapentine@wismed.org](mailto:mark.grapentine@wismed.org)

Liaison to Council  
 Annie Early Reinhard  
 Government Affairs Consultant  
 Wisconsin Physical Therapy Association  
 7 N. Pickney Street, Suite 300  
 Madison, WI 53703  
 Phone: (608) 259-1212 ext. 3  
[annie@martinschreiber.com](mailto:annie@martinschreiber.com)



# WISCONSIN STATE LEGISLATURE





SB 409  
file

## Summary of Legislative Proposals Agreed Upon by the UI Advisory Council on January 12, 2012

### I. DWD Proposals

#### A. Tighten requirement of availability for work

Create Wis. Stat. §108.04(2)(ae):

A claimant is not available for work under par. (a) in any week in which he or she is located outside of the United States, as defined in s. 108.02(15)(do)2, or Canada for more than 48 hours unless the claimant has authorization to work in that country and there is a reciprocal agreement concerning the payment of unemployment benefits between that country and the United States.

Comment: This proposal assures a limit on eligibility for benefits when a claimant leaves the country for more than a brief period (48 hours, which is the general standard in the law for brief departures from the individual's labor market).

#### B. Remove limit on department's hiring of temporary appeals judges

Amend §108.09 (3) (a) 2. to read:

2. The department may appoint an individual who is not a permanent employee of the department to serve as a temporary reserve appeal tribunal. An individual who is appointed to serve as a temporary reserve appeal tribunal shall be an attorney who is licensed to practice in this state.

Comment: "Appeal tribunal" means unemployment administrative law judge. The change would permit the department to access not only former UI ALJs for this work but also the general market for attorneys and retired judges when seeking to fill temporary UI ALJ positions.

#### C. Conform to federal law requirements that the 15% penalty on fraudulent overpayments be paid into the Reserve Fund.

This proposal would assure that on and after October 21, 2013, a 15% penalty on fraudulent overpayment of benefits would flow to the Reserve Fund, as required by federal law. This bill would establish both the penalty and the credit to the Reserve Fund effective on October 21, 2013.

Comment: At its September 22, 2011 meeting the UI Advisory Council approved a legislative proposal to enact a 15% penalty on fraudulent overpayments. That proposal (contained in the Council's agreed bill, 2011 SB 219) also required that the proceeds of penalties paid be used *to fund program integrity functions* for the unemployment program.

In November 2011, Congress legislated a requirement that the states legislate the 15% penalty on fraudulent overpayments – but altered the anticipated provision that the proceeds be used for program integrity functions. Instead of program integrity, the federal law requires that the penalty proceeds be ***paid into the state's reserve fund***. As a result, SB-219 does not include the provisions required to fully conform the federal law.

States must legislate and conform to the federal requirements (establish a 15% penalty and credit the proceeds to the reserve fund) by October 21, 2013. This proposal, approved by the Council on January 12, 2012, would assure conformity with the federal requirements but would not establish a penalty sooner.

## **II. AB-457 (portions)**

### **A. Interest on delinquent payments**

Employers are charged interest at one percent per month for delinquent payments of state unemployment taxes. The bill replaces that interest rate with a “monthly rate that annualized is equal to 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year for each month or fraction thereof that the employer is delinquent.”

The proposal will reduce interest recoveries from employers in the current (low interest rate) economy. The change will not directly impact the Reserve Fund because interest is credited to another account. It will reduce revenue for the interest and penalty account.

*[Note: The Department has considered the interest rate proposal in AB 457 and proposes an alternative: “monthly rate of that annualized is equal to **the greater of: (a) 9%; or (b) 2 percent more than the prime rate as published in the Wall Street Journal as of September 30 of the preceding year for each month or fraction thereof that the employer is delinquent.**”]*

### **B. Authority of appeal tribunals**

Appeal tribunals hear and decide disputed unemployment claims and other matters arising under the unemployment insurance law. The amendment specifies that the decisions of the administrative law judges (appeal tribunal) are to be consistent with relevant state and federal law. We do not consider the proposal to be a change in the law although it reinforces the requirement that decisions be made in accord with the law.



Date?

SB 409  
file

## SUMMARY OF AMENDMENTS TO THE WC ACT APPROVED BY THE WCAC

\* The maximum weekly benefit rates for permanent partial disability (PPD) are increased from \$302 to \$312 for injuries occurring on and after the effective date and to \$322 for injuries occurring on and after January 1, 2013. The maximum weekly benefit rate will be set at \$317 for injuries on and after January 1, 2013 if the audit of the certified data bases is not begun within six (6) months after the effective date of the bill. S. 102.11 (1).

\* Insurance carriers and self-insured employers will be required to file a final treating practitioner's report with the Department when an employee sustains an eye injury requiring treatment on three (3) or more occasions outside of the employer's premises. S. 102.13 (2) (c).

\* A final treating practitioner's report will not be required in cases where there are uncontested denials of indemnity claims. S. 102.13 (2) (c).

\* The formula amount for resolving reasonableness of health service fee disputes will be reduced from 1.4 to 1.2 standard deviations above the mean. The standard deviation will be set at 1.3 above the mean on January 1, 2013 if the Department does not commence an audit of the certified data bases within six (6) months after the effective date of the bill. S. 102.16 (2) (d).

\* Payment for treatment or burial expense has no effect on the statute of limitations for claims involving occupational diseases. S. 102.17 (4).

\* The Work Injury Supplemental Benefit Fund will be liable for payment of benefits and treatment expense for the specified barred traumatic injuries on claims where the applicable statute of limitations will expire before April 1, 2018. S. 102.17 (4).

\* The Work Injury Supplemental Benefit Fund will be authorized to share in the distribution of proceeds from third party settlements. S. 102.29 (1).

\* Interest on surcharges will accrue when the surcharges are not paid within 30 days rather than 90 days to synchronize with the Department's financial system. S. 102.35 (1).

\* There will be no reduction in compensation for vocational rehabilitation training based on wages earned by employees working part-time for the first 24 hours of employment during periods of retraining, and employees will be

required to report wages to WC insurance carriers and self-insured employers. There will be a two (2) year sunset for this amendment. S. 102.43 (5).

\* In previous legislation the Reviser of Statutes incorrectly inserted May 6, 2010 as the effective date for supplemental benefit increases. This bill corrects the error and specifies May 1, 2010 as the effective date. S 102.44 (1) (am) & (b).

\* Insurance carriers and self-insured employers will have 12 months to claim reimbursement from the Department for supplemental benefit payments to injured employees, S. 102.44 (1) (c).

\* Compensation for disfigurement will be paid only for cases where the employee sustains an actual wage loss. S. 102.56

\* An employee will be limited to only one (1) claim from the Second Injury Fund. S. 102.59 (1).

\* Insurance carriers and self-insured employers will be liable for reasonable costs of the retraining program including the cost of tuition, fees, and books in cases where the Division of Vocational Rehabilitation provides services for the rehabilitative training program. S. 102.61(1).

\* The Department will be authorized to retain the Department of Administration to handle claims involving the Work Injury Supplemental Benefit Fund. S. 102.65.

\* The Department will be authorized to prioritize, decrease or cease payments from the Work Injury Supplemental Benefit Fund if the fund becomes encumbered more than 85% by known claims. S. 102.65.

\* The Worker's Compensation Advisory Council agreed to create a committee for the purpose of determining the scope of an audit of the data bases certified by the Department that are used for resolving reasonable of fee disputes. The committee will be comprised of one labor representative, one management representative, one Department representative and one medical provider liaison. The audit is to commence within six (6) months of the effective date of the bill. If the audit is not begun within six (6) months of the effective date of the bill beginning January 1, 2013 the standard deviation will be set at 1.3 above the mean and the increase for the maximum permanent partial disability weekly rate will be \$317 for injuries occurring on and after January 1, 2013. SS. 102.11 (1), 102.16 (2) (d) and non-statutory.

\* A committee will be formed to study the means of funding PTD increases in the future. Non-statutory.