

1 financial institutions, insurance, and professional standards. Upon failure to make  
2 the assignment, the public depositor shall forfeit its right to payment under this  
3 section. Any recovery made by the ~~division of banking~~ department of financial  
4 institutions, insurance, and professional standards under the assignment shall be  
5 repaid to the appropriation under s. ~~20.144 (1)~~ 20.142 (2) (a).

6 SECTION 213. 34.10 of the statutes is amended to read:

7 **34.10 Reorganization and stabilization of financial institutions.**

8 Whenever the office of credit unions, administrator of federal credit unions, U.S.  
9 comptroller of the currency, federal home loan bank board, U.S. office of thrift  
10 supervision, federal deposit insurance corporation, resolution trust corporation, or  
11 ~~division of banking~~ department of financial institutions, insurance, and professional  
12 standards has taken charge of a credit union, bank, savings bank, or savings and loan  
13 association with a view of restoring its solvency, pursuant to law, or with a view of  
14 stabilizing and readjusting the structure of any national or state credit union, bank,  
15 savings bank, or savings and loan association located in this state, and has approved  
16 a reorganization plan or a stabilization and readjustment agreement entered into  
17 between the credit union, bank, savings bank, or savings and loan association and  
18 depositors and unsecured creditors, or when a credit union, bank, savings bank, or  
19 savings and loan association, with the approval of the office of credit unions,  
20 administrator of federal credit unions, U.S. comptroller of the currency, federal home  
21 loan bank board, U.S. office of thrift supervision, federal deposit insurance  
22 corporation, resolution trust corporation, or ~~division of banking~~ department of  
23 financial institutions, insurance, and professional standards proposes to sell its  
24 assets to another credit union, bank, savings bank, or savings and loan association  
25 which agrees to assume a part or all of the deposit liability of such selling credit

1 union, bank, savings bank, or savings and loan association and to pay the same on  
 2 a deferred payment basis, the governing board of the public depositor may, on the  
 3 approval of the ~~division of banking~~ department of financial institutions, insurance,  
 4 and professional standards, join in the execution of any reorganization plan, or any  
 5 stabilization and readjustment agreement, or any depositor's agreement relative to  
 6 a proposed sale of assets if, in its judgment and that of the ~~division of banking~~  
 7 department of financial institutions, insurance, and professional standards, the  
 8 reorganization plan or stabilization and readjustment agreement or proposed sale  
 9 of assets is in the best interest of all persons concerned. The joining in any  
 10 reorganization plan, or any stabilization and readjustment agreement, or any  
 11 proposed sale of assets which meets the approval of the ~~division of banking~~  
 12 department of financial institutions, insurance, and professional standards does not  
 13 waive any rights under this chapter.

14 **SECTION 214.** 36.34 (1) (a) 3. of the statutes is amended to read:

15 36.34 (1) (a) 3. Is a Hispanic, as defined in s. ~~16.287~~ 203.07 (1) (d).

16 **SECTION 215.** 38.04 (8) (a) of the statutes is amended to read:

17 38.04 (8) (a) In this subsection, "minority group member" has the meaning  
 18 given in s. ~~16.287~~ 203.07 (1) (f).

19 **SECTION 216.** 38.26 (1) of the statutes is amended to read:

20 38.26 (1) In this section, "minority student" means a student enrolled in a  
 21 district school who is a minority group member, as defined in s. ~~16.287~~ 203.07 (1) (f).

22 **SECTION 217.** 38.50 (5) of the statutes is amended to read:

23 38.50 (5) EMPLOYEES, QUARTERS. The board shall employ a person to perform  
 24 the duties of an executive secretary and any other persons under the classified  
 25 service that may be necessary to carry out the board's responsibilities. The person

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1 performing the duties of the executive secretary shall be in charge of the  
2 administrative functions of the board. The board shall, to the maximum extent  
3 practicable, keep its office with the ~~technical college system board~~ department of  
4 financial institutions, insurance, and professional standards.

\*\*\*\*NOTE: I did not renumber s. 38.50 to locate the provision outside ch. 38. Do you  
want me to do so? If so, in which chapter would you like the provision located?

5 **SECTION 218.** 38.50 (10) (a) of the statutes is amended to read:

6 38.50 (10) (a) *Authority.* All proprietary schools shall be examined and  
7 approved by the board before operating in this state. Approval shall be granted to  
8 schools meeting the criteria established by the board for a period not to exceed one  
9 year. No school may advertise in this state unless approved by the board. All  
10 approved schools shall submit quarterly reports, including information on  
11 enrollment, number of teachers and their qualifications, course offerings, number of  
12 graduates, number of graduates successfully employed, and such other information  
13 as the board considers necessary. If a school closure results in losses to students,  
14 parents, or sponsors, the board may authorize the full or partial payment of those  
15 losses from the appropriation under s. ~~20.292 (2)~~ 20.142 (9) (gm).

16 **SECTION 219.** 38.50 (11) (d) of the statutes is amended to read:

17 38.50 (11) (d) The board or association shall preserve a student record that  
18 comes into the possession of the board or association under par. (b) 1. or 2. and shall  
19 keep the student record confidential as provided under 20 USC 1232g and 34 CFR  
20 part 99. A student record in the possession of the board is not open to public  
21 inspection or copying under s. 19.35 (1). Upon request of the person who is the subject  
22 of a student record or an authorized representative of that person, the board or  
23 association shall provide a copy of the student record to the requester. The board or

1 association may charge a fee for providing a copy of a student record. The fee shall  
2 be based on the administrative cost of taking possession of, preserving, and providing  
3 the copy of the student record. All fees collected by the board under this paragraph  
4 shall be credited to the appropriation account under s. ~~20.292 (2)~~ 20.142 (9) (i).

5 **SECTION 220.** 38.50 (13) (d) of the statutes is amended to read:

6 38.50 (13) (d) The board may charge a fee for evaluating an educational  
7 institution under par. (a) 2. e. in an amount that is sufficient to cover all costs that  
8 the board incurs in evaluating the institution. All fees collected by the board under  
9 this paragraph shall be credited to the appropriation account under s. ~~20.292 (2)~~  
10 20.142 (9) (g).

11 **SECTION 221.** 39.40 (1) (c) of the statutes is amended to read:

12 39.40 (1) (c) A Hispanic, as defined in s. ~~16.287~~ 203.07 (1) (d).

13 **SECTION 222.** 39.44 (1) (a) 3. of the statutes is amended to read:

14 39.44 (1) (a) 3. Is a Hispanic, as defined in s. ~~16.287~~ 203.07 (1) (d).

15 **SECTION 223.** 40.55 (1) of the statutes is amended to read:

16 40.55 (1) Except as provided in sub. (5), the state shall offer, through the group  
17 insurance board, to eligible employees under s. 40.02 (25) (bm) and to state  
18 annuitants long-term care insurance policies which have been filed with the office  
19 of the commissioner of insurance department of financial institutions, insurance,  
20 and professional standards and which have been approved for offering under  
21 contracts established by the group insurance board. The state shall also allow an  
22 eligible employee or a state annuitant to purchase those policies for his or her spouse,  
23 domestic partner, or parent.

24 **SECTION 224.** 40.63 (6) of the statutes is amended to read:

1        40.63 (6) Any person entitled to payments under this section who may  
2 otherwise be entitled to payments under s. 66.191, 1981 stats., may file with the  
3 department of employee trust funds and the department of workforce development  
4 financial institutions, insurance, and professional standards a written election to  
5 waive payments due under this section and accept in lieu of the payments under this  
6 section payments as may be payable under s. 66.191, 1981 stats., but no person may  
7 receive payments under both s. 66.191, 1981 stats., and this section. However any  
8 person otherwise entitled to payments under this section may receive the payments,  
9 without waiver of any rights under s. 66.191, 1981 stats., during any period as may  
10 be required for a determination of the person's rights under s. 66.191, 1981 stats.  
11 Upon the final adjudication of the person's rights under s. 66.191, 1981 stats., if  
12 waiver is filed under this section, the person shall immediately cease to be entitled  
13 to payments under this section and the system shall be reimbursed from the award  
14 made under s. 66.191, 1981 stats., for all payments made under this section.

15        **SECTION 225.** 40.65 (2) (a) of the statutes is amended to read:

16        40.65 (2) (a) This paragraph applies to participants who first apply for benefits  
17 before May 3, 1988. Any person desiring a benefit under this section must apply to  
18 the department of workforce development financial institutions, insurance, and  
19 professional standards, which department shall determine whether the applicant is  
20 eligible to receive the benefit and the participant's monthly salary. Appeals from the  
21 eligibility decision shall follow the procedures under ss. 102.16 to 102.26. If it is  
22 determined that an applicant is eligible, the department of workforce development  
23 financial institutions, insurance, and professional standards shall notify the  
24 department of employee trust funds and shall certify the applicant's monthly salary.  
25 If at the time of application for benefits an applicant is still employed in any capacity

1 by the employer in whose employ the disabling injury occurred or disease was  
2 contracted, that continued employment shall not affect that applicant's right to have  
3 his or her eligibility to receive those benefits determined in proceedings before the  
4 ~~department of workforce development~~ division of hearings and appeals in the  
5 department of administration or the labor and industry review commission or in  
6 proceedings in the courts. The department of ~~workforce development~~ financial  
7 institutions, insurance, and professional standards may promulgate rules needed to  
8 administer this paragraph.

9 **SECTION 226.** 40.65 (2) (b) 3. of the statutes is amended to read:

10 40.65 (2) (b) 3. The department shall determine whether or not the applicant  
11 is eligible for benefits under this section on the basis of the evidence in subd. 2. An  
12 applicant may appeal a determination under this subdivision to the ~~department of~~  
13 ~~workforce development~~ division of hearings and appeals in the department of  
14 administration.

15 **SECTION 227.** 40.65 (2) (b) 4. of the statutes is amended to read:

16 40.65 (2) (b) 4. In hearing an appeal under subd. 3., the ~~department of~~  
17 ~~workforce development~~ division of hearings and appeals in the department of  
18 administration shall follow the procedures under ss. 102.16 to 102.26.

19 **SECTION 228.** 41.53 (1) (h) of the statutes is amended to read:

20 41.53 (1) (h) Annually, award an amount equal to at least 5% of all state and  
21 federal funds received by the board in that year for grants to artists and arts  
22 organizations to artists who are minority group members and arts groups composed  
23 principally of minority group members. In this paragraph, "minority group member"  
24 has the meaning specified in s. ~~16.287~~ 203.07 (1) (f).

25 **SECTION 229.** 42.09 (3) (b) of the statutes is amended to read:

1           42.09 (3) (b) The board shall develop policies encouraging each private person  
 2 entering into an agreement with the board under this subsection to agree that his  
 3 or her goal shall be to ensure that at least 25% of the employees hired to perform  
 4 construction work in connection with state fair park facilities or to perform  
 5 professional services in connection with the construction or development of those  
 6 facilities will be minority group members, as defined in s. ~~16.287~~ 203.07 (1) (f), and  
 7 that at least 5% of the employees hired to perform construction work in connection  
 8 with state fair park facilities or to perform professional services in connection with  
 9 the construction or development of those facilities will be women.

In Sect 57-9

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10           **SECTION 230.** 45.44 (1) (a) 14. of the statutes is amended to read:

11           45.44 (1) (a) 14. A license, certification, certification card, or permit issued  
 12 under s. ~~252.23, 252.24,~~ 254.176, 254.178, 254.20, 254.71, and 256.15.

13           **SECTION 231.** 45.44 (1) (b) of the statutes is amended to read:

14           45.44 (1) (b) "Licensing agency" means the department of agriculture, trade  
 15 and consumer protection; the department of children and families; ~~the department~~  
 16 ~~of financial institutions;~~ the department of health services; the department of  
 17 natural resources; the department of public instruction; the department of revenue;  
 18 the department of ~~safety and professional services~~ financial institutions, insurance,  
 19 and professional standards and its examining boards and affiliated credentialing  
 20 boards; the department of transportation; the department of workforce development;  
 21 the board of commissioners of public lands; ~~or~~ <sup>plain</sup> the government accountability board;  
 22 ~~or the office of the commissioner of insurance.~~ <sup>plain ↑</sup>

23           **SECTION 232.** 46.284 (3m) of the statutes is amended to read:

24           46.284 (3m) PERMIT REQUIRED. A care management organization that is  
 25 described under s. 600.01 (1) (b) 10. a., to which s. 600.01 (1) (b) 10. b. does not apply

1 and that is certified under sub. (3) shall apply for a permit with the office of the  
2 commissioner of insurance department of financial institutions, insurance, and  
3 professional standards under ch. 648.

4 SECTION 233. 46.29 (3) (e) of the statutes is amended to read:

5 46.29 (3) (e) The secretary of ~~safety and professional services~~ financial  
6 institutions, insurance, and professional standards.

7 SECTION 234. 46.29 (3) (f) of the statutes is repealed.

8 SECTION 235. 46.90 (5m) (br) 5. of the statutes is amended to read:

9 46.90 (5m) (br) 5. Refer the case to the department of ~~safety and professional~~  
10 ~~services~~ financial institutions, insurance, and professional standards if the financial  
11 exploitation, neglect, self-neglect, or abuse involves an individual who is required  
12 to be registered under s. 202.13 or 202.14 or to hold a credential, as defined in s.  
13 440.01 (2) (a), under chs. 440 to 460.

14 SECTION 236. 46.90 (5m) (br) 5g. of the statutes is repealed.

15 SECTION 237. 49.45 (12) (a) of the statutes is repealed.

16 SECTION 238. 49.45 (12) (b) and (c) of the statutes are consolidated, renumbered  
17 49.45 (12) and amended to read:

18 49.45 (12) MACHINE-READABLE MEDICAL ASSISTANCE CARDS. ~~If the commissioner~~  
19 ~~of insurance promulgates rules~~ are promulgated under s. 601.57 (2) establishing a  
20 health insurance identification card system and its computerized support system,  
21 the department shall develop a plan to coordinate a system of machine-readable  
22 identification cards for medical assistance recipients with the those systems  
23 ~~established by the commissioner~~ and shall submit the plan to the governor, and to  
24 the legislature under s. 13.172 (2), before issuing a request for proposals ~~under par.~~  
25 ~~(e).~~ (e) The department shall request proposals for a system of machine-readable



1 identification cards for medical assistance recipients and a computerized support  
2 system for the cards that will accept and respond to electronically conveyed requests  
3 from health care providers for information related to medical assistance recipients,  
4 such as eligibility, coverages and authorizations. The request for proposals shall  
5 specify that the systems are to be operating by January 1, 1997.

6 **SECTION 239.** 49.45 (31) (b) 5. of the statutes is amended to read:

7 49.45 (31) (b) 5. The Before July 1, 2015, the commissioner of insurance, or on  
8 or after July 1, 2015, the department of financial institutions, insurance, and  
9 professional standards, certifies to the department of health services that the policy  
10 meets the criteria under subds. 2. to 4.

11 **SECTION 240.** 49.45 (31) (c) 1. of the statutes is amended to read:

12 49.45 (31) (c) 1. The department of health services and the ~~office of the~~  
13 ~~commissioner of insurance~~ department of financial institutions, insurance, and  
14 professional standards shall approve a training program for individuals who sell  
15 long-term care insurance policies in the state to ensure that those individuals  
16 understand the relation of long-term care insurance to the Medical Assistance  
17 program and are able to explain to consumers the protections offered by long-term  
18 care insurance and how this type of insurance relates to private and public financing  
19 of long-term care.

20 **SECTION 241.** 49.475 (4) (c) of the statutes is amended to read:

21 49.475 (4) (c) If an insurer fails to comply with par. (a) or (b), the department  
22 of health services may notify the ~~commissioner of insurance~~ department of financial  
23 institutions, insurance, and professional standards, and the ~~commissioner of~~  
24 insurance department of financial institutions, insurance, and professional

standards may initiate enforcement proceedings against the insurer under s. 601.41

(4) (a).

SECTION 242. 49.857 (1) (d) 4. of the statutes is amended to read:

49.857 (1) (d) 4. A certification, license, training permit, registration, approval or certificate issued under s. 49.45 (2) (a) 11., ~~252.23 (2), 252.24 (2)~~, 254.176 (1) or (3) (a), 254.178 (2) (a), 254.20 (2), (3) or (4), 254.47 (1), 254.64 (1) (a) or (b), 254.71 (2), ~~255.08 (2)~~, or 256.15 (5) (a) or (b), (6g) (a), or (8) (a).

SECTION 243. 55.043 (4) (b) 5. of the statutes is amended to read:

55.043 (4) (b) 5. Refer the case to the department of safety and professional services financial institutions, insurance, and professional standards if the financial exploitation, neglect, self-neglect, or abuse involves an individual who is required to be registered under s. 202.13 or 202.14 or to hold a credential, as defined in s. 440.01 (2) (a), under chs. 440 to 460.

SECTION 244. 55.043 (4) (b) 5g. of the statutes is repealed.

SECTION 245. 59.57 (1) (b) of the statutes is amended to read:

59.57 (1) (b) If a county with a population of 500,000 or more appropriates money under par. (a) to fund nonprofit agencies, the county shall have a goal of expending 20% of the money appropriated for this purpose to fund a nonprofit agency that is actively managed by minority group members, as defined in s. ~~16.287~~ 203.07 (1) (f), and that principally serves minority group members.

SECTION 246. 66.1309 (1) (b) (intro.) and 1. of the statutes are consolidated, renumbered 66.1309 (1) (b) and amended to read:

66.1309 (1) (b) "Conservator" means any of the following: 1. ~~The division of banking~~ the department of financial institutions, insurance, and professional standards as conservator, liquidator, or rehabilitator of any person, partnership, or

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1 corporation, and persons, partnerships, and corporations organized under or subject  
2 to the provisions of the banking law.

\*\*\*NOTE: The last clause of this provision (and persons, partnerships, and corporations organized under or subject to the provisions of the banking law") seems to be redundant and have no legal effect, but we did not strike this language out of concern that there could be unintended consequences in doing so.

3 SECTION 247. 66.1309 (1) (b) 2. of the statutes is repealed.

4 SECTION 248. 66.1317 (2) (a) 4. of the statutes is amended to read:

5 66.1317 (2) (a) 4. The division of banking department of financial institutions,  
6 insurance, and professional standards as conservator, liquidator, or rehabilitator of  
7 any person, partnership, or corporation, and persons, partnerships, or corporations  
8 organized under or subject to chs. 600 to 646.

9 SECTION 249. 66.1317 (2) (a) 5. of the statutes is repealed.

10 SECTION 250. 67.12 (12) (a) of the statutes is amended to read:

11 67.12 (12) (a) Any municipality may issue promissory notes as evidence of  
12 indebtedness for any public purpose, as defined in s. 67.04 (1) (b), including but not  
13 limited to paying any general and current municipal expense, and refunding any  
14 municipal obligations, including interest on them. Each note, plus interest if any,  
15 shall be repaid within 10 years after the original date of the note, except that notes  
16 issued under this section for purposes of ss. 119.498, 145.245 (12m), 2013 stats.,  
17 281.58, 281.59, 281.60, 281.61, and 292.72, issued to raise funds to pay a portion of  
18 the capital costs of a metropolitan sewerage district, or issued by a 1st class city or  
19 a county having a population of 500,000 or more, to pay unfunded prior service  
20 liability with respect to an employee retirement system, shall be repaid within 20  
21 years after the original date of the note.

22 SECTION 251. 71.07 (5j) (a) 2d. of the statutes is amended to read:

insert AG 61-21

1           71.07 (5j) (a) 2d. “Diesel replacement renewable fuel” includes biodiesel and  
2 any other fuel derived from a renewable resource that meets all of the applicable  
3 requirements of the American Society for Testing and Materials for that fuel and that  
4 the department of commerce or the department of safety and professional services  
5 financial institutions, insurance, and professional standards designates by rule as  
6 a diesel replacement renewable fuel.

7           **SECTION 252.** 71.07 (5j) (a) 2m. of the statutes is amended to read:

8           71.07 (5j) (a) 2m. “Gasoline replacement renewable fuel” includes ethanol and  
9 any other fuel derived from a renewable resource that meets all of the applicable  
10 requirements of the American Society for Testing and Materials for that fuel and that  
11 the department of commerce or the department of safety and professional services  
12 financial institutions, insurance, and professional standards designates by rule as  
13 a gasoline replacement renewable fuel.

14           **SECTION 253.** 71.07 (5j) (c) 3. of the statutes is amended to read:

15           71.07 (5j) (c) 3. The department of commerce or the department of safety and  
16 professional services financial institutions, insurance, and professional standards  
17 shall establish standards to adequately prevent, in the distribution of conventional  
18 fuel to an end user, the inadvertent distribution of fuel containing a higher  
19 percentage of renewable fuel than the maximum percentage established by the  
20 federal environmental protection agency for use in conventionally-fueled engines.

21           **SECTION 254.** 71.26 (1) (d) of the statutes is amended to read:

22           71.26 (1) (d) *Bank in liquidation.* Income of any bank placed in the hands of  
23 the division of banking department of financial institutions, insurance, and  
24 professional standards for liquidation under s. 220.08, if the tax levied, assessed or  
25 collected under this chapter on account of such bank diminishes the assets thereof

1 so that full payment of all depositors cannot be made. Whenever the division of  
2 banking department of financial institutions, insurance, and professional standards  
3 certifies to the department of revenue that the tax or any part thereof levied and  
4 assessed under this chapter against any such bank will so diminish the assets  
5 thereof that full payment of all depositors cannot be made, the department of  
6 revenue shall cancel and abate such tax or part thereof, together with any penalty  
7 thereon. This paragraph shall apply to unpaid taxes which were levied and assessed  
8 subsequent to the time the bank was taken over by the ~~division of banking~~  
9 department of financial institutions, insurance, and professional standards.

10 **SECTION 255.** 71.28 (5j) (a) 2d. of the statutes is amended to read:

11 71.28 (5j) (a) 2d. "Diesel replacement renewable fuel" includes biodiesel and  
12 any other fuel derived from a renewable resource that meets all of the applicable  
13 requirements of the American Society for Testing and Materials for that fuel and that  
14 the department of ~~commerce or the department of safety and professional services~~  
15 financial institutions, insurance, and professional standards designates by rule as  
16 a diesel replacement renewable fuel.

17 **SECTION 256.** 71.28 (5j) (a) 2m. of the statutes is amended to read:

18 71.28 (5j) (a) 2m. "Gasoline replacement renewable fuel" includes ethanol and  
19 any other fuel derived from a renewable resource that meets all of the applicable  
20 requirements of the American Society for Testing and Materials for that fuel and that  
21 the department of ~~commerce or the department of safety and professional services~~  
22 financial institutions, insurance, and professional standards designates by rule as  
23 a gasoline replacement renewable fuel.

24 **SECTION 257.** 71.28 (5j) (c) 3. of the statutes is amended to read:

1 71.28 (5j) (c) 3. The department of ~~commerce or the department of safety and~~  
 2 ~~professional services~~ financial institutions, insurance, and professional standards  
 3 shall establish standards to adequately prevent, in the distribution of conventional  
 4 fuel to an end user, the inadvertent distribution of fuel containing a higher  
 5 percentage of renewable fuel than the maximum percentage established by the  
 6 federal environmental protection agency for use in conventionally-fueled engines.

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64-b

7 **SECTION 258.** 73.0301 (1) (d) 3. of the statutes is amended to read:

8 73.0301 (1) (d) 3. A license, certificate of approval, provisional license,  
 9 conditional license, certification, certification card, registration, permit, training  
 10 permit or approval specified in s. 50.35, 50.49 (6) (a) or (10), 51.038, 51.04, 51.42 (7)  
 11 (b) 11., 51.421 (3) (a), 51.45 (8), 146.40 (3), (3g), or (3m), ~~252.23 (2), 252.24 (2),~~  
 12 254.176, 254.20 (3), ~~255.08 (2) (a),~~ 256.15 (5) (a) or (b), (6g) (a), (7), or (8) (a) or (f) or  
 13 343.305 (6) (a) or a permit for operation of a campground specified in s. 254.47 (1).

14 ~~**SECTION 259.** 73.0301 (1) (d) 3m. of the statutes is amended to read:~~

15 ~~73.0301 (1) (d) 3m. A license or certificate issued by the department of~~  
 16 ~~workforce development under s. 102.17 (1) (e), 103.275 (2) (b), 103.34 (3) (c), 103.91~~  
 17 ~~(1), 103.92 (3), 104.07 (1) or (2), or 105.13 (1).~~

18 ~~**SECTION 260.** 73.0301 (1) (d) 3p. of the statutes is created to read:~~

19 ~~73.0301 (1) (d) 3p. A license issued by the division of hearings and appeals in~~  
 20 ~~the department of administration under s. 102.17 (1) (e).~~

21 **SECTION 261.** 73.0301 (1) (d) 6. of the statutes is amended to read:

22 73.0301 (1) (d) 6. A license or certificate of registration issued by the  
 23 department of financial institutions, ~~or a division of it,~~ insurance, and professional  
 24 standards under ss. 138.09, 138.12, 138.14, 202.12 to 202.14, 202.22, 217.06,

1 218.0101 to 218.0163, 218.02, 218.04, 218.05, 224.72, 224.725, 224.93, or under  
2 subch. IV of ch. 551.

3 **SECTION 262.** 73.0301 (1) (e) of the statutes is amended to read:

4 73.0301 (1) (e) "Licensing department" means the department of  
5 administration; the department of agriculture, trade and consumer protection; the  
6 board of commissioners of public lands; the department of children and families; the  
7 government accountability board; the department of financial institutions,  
8 insurance, and professional standards; the department of health services; the  
9 department of natural resources; the department of public instruction; the  
10 department of safety and professional services; the department of workforce  
11 development; the office of the commissioner of insurance; or the department of  
12 transportation. *plain*

13 **SECTION 263.** 76.64 of the statutes is amended to read:

14 **76.64 Quarterly installments.** Insurers shall pay installments of the total  
15 estimated payment under ss. 76.60, 76.63, 76.65, and 76.66 on or before April 15,  
16 June 15, September 15, and December 15. Every insurer shall make a return for the  
17 preceding calendar year on or before March 1 setting forth the information that the  
18 ~~commissioner of insurance~~ department of financial institutions, insurance, and  
19 professional standards reasonably requires, on forms prescribed by the  
20 ~~commissioner~~ department of financial institutions, insurance, and professional  
21 standards. On or before March 1, the insurer shall pay any additional amount due  
22 for the preceding calendar year. Overpayment will be credited on the amount due  
23 April 15.

24 **SECTION 264.** 84.075 (1c) (a) of the statutes is amended to read:

1 84.075 (1c) (a) "Disabled veteran-owned business" means a business certified  
2 by the department of administration under s. ~~16.283~~ 203.03 (3).

3 SECTION 265. 84.075 (1c) (b) of the statutes is amended to read:

4 84.075 (1c) (b) "Minority business" means a business certified by the  
5 department of administration under s. ~~16.287~~ 203.07 (2).

6 SECTION 266. 84.076 (1) (c) of the statutes is amended to read:

7 84.076 (1) (c) "Minority business" has the meaning given under s. ~~16.287~~ 203.07  
8 (1) (e) 1.

9 SECTION 267. 84.076 (1) (d) of the statutes is amended to read:

10 84.076 (1) (d) "Minority group member" has the meaning given under s. ~~16.287~~  
11 203.07 (1) (f).

12 SECTION 268. 85.25 (2) (c) 1m. b. of the statutes is amended to read:

13 85.25 (2) (c) 1m. b. It is currently performing a useful business function as  
14 defined in s. ~~16.287~~ 203.07 (1) (h).

Insert 66-14

15 SECTION 269. 100.203 (1) (b) of the statutes is repealed and recreated to read:  
16 100.203 (1) (b) "Department" means the department of financial institutions,  
17 insurance, and professional standards.

18 SECTION 270. 100.203 (1) (d) of the statutes is repealed.

19 SECTION 271. 100.203 (2) (a) of the statutes is amended to read:

20 100.203 (2) (a) A person shall register with the ~~office~~ department by filing a  
21 form prescribed by the ~~commissioner~~ department before operating as a warrantor or  
22 representing to the public that the person is a warrantor.

23 SECTION 272. 100.203 (2) (b) 1. of the statutes is amended to read:

24 100.203 (2) (b) 1. Warrantor registration records shall be filed with the ~~office~~  
25 department annually and shall be updated within 30 days of any change.



1           **SECTION 273.** 100.203 (8) (a) (intro.) of the statutes is amended to read:

2           100.203 (8) (a) (intro.) The ~~commissioner~~ department may take necessary and  
3 appropriate action to enforce this section and the ~~commissioner's~~ department's rules  
4 and orders and to protect warranty holders. If a warrantor violates this section and  
5 the ~~commissioner~~ department reasonably believes the violation threatens to render  
6 the warrantor insolvent or cause irreparable loss or injury to the property or business  
7 of any person located in this state, the ~~commissioner~~ department may issue an order  
8 that does any of the following:

9           **SECTION 274.** 100.205 (6) (intro.) of the statutes is amended to read:

10           100.205 (6) (intro.) Every warrantor shall purchase a policy of insurance  
11 covering the financial integrity of its warranties. The policy of insurance shall be on  
12 a form approved by the ~~commissioner of insurance~~ department of financial  
13 institutions, insurance, and professional standards and shall have the following  
14 minimum provisions:

15           **SECTION 275.** 100.205 (6) (a) of the statutes is amended to read:

16           100.205 (6) (a) The insurer shall be licensed to do business in this state or shall  
17 be an unauthorized foreign insurer, as defined in s. 600.03 (27), accepted by the ~~office~~  
18 ~~of the commissioner of insurance~~ department of financial institutions, insurance,  
19 and professional standards for surplus lines insurance in this state.

20           **SECTION 276.** 101.02 (20) (b) of the statutes is amended to read:

21           101.02 (20) (b) Except as provided in par. (e), the ~~department of safety and~~  
22 ~~professional services~~ may not issue or renew a license unless each applicant who is  
23 an individual provides the ~~department of safety and professional services~~ with his  
24 or her social security number and each applicant that is not an individual provides  
25 the ~~department of safety and professional services~~ with its federal employer

1 identification number. The department of safety and professional services may not  
2 disclose the social security number or the federal employer identification number of  
3 an applicant for a license or license renewal except to the department of revenue for  
4 the sole purpose of requesting certifications under s. 73.0301 and to the department  
5 of workforce development for the sole purpose of requesting certifications under s.  
6 108.227.

7 **SECTION 277.** 101.02 (20) (c) of the statutes is amended to read:

8 101.02 (20) (c) The department of safety and professional services may not  
9 issue or renew a license if the department of revenue certifies under s. 73.0301 that  
10 the applicant or licensee is liable for delinquent taxes or if the department of  
11 workforce development certifies under s. 108.227 that the applicant or licensee is  
12 liable for delinquent unemployment insurance contributions.

13 **SECTION 278.** 101.02 (20) (d) of the statutes is amended to read:

14 101.02 (20) (d) The department of safety and professional services shall revoke  
15 a license if the department of revenue certifies under s. 73.0301 that the licensee is  
16 liable for delinquent taxes or if the department of workforce development certifies  
17 under s. 108.227 that the licensee is liable for delinquent unemployment insurance  
18 contributions.

19 **SECTION 279.** 101.02 (20) (e) 1. of the statutes is amended to read:

20 101.02 (20) (e) 1. If an applicant who is an individual does not have a social  
21 security number, the applicant, as a condition of applying for or applying to renew  
22 a license shall submit a statement made or subscribed under oath or affirmation to  
23 the department of safety and professional services that the applicant does not have  
24 a social security number. The form of the statement shall be prescribed by the  
25 department of children and families.

1           **SECTION 280.** 101.02 (21) (b) of the statutes is amended to read:

2           101.02 (21) (b) As provided in the memorandum of understanding under s.  
3           49.857 and except as provided in par. (e), the department of safety and professional  
4           services may not issue or renew a license unless the applicant provides the  
5           department of safety and professional services with his or her social security number.  
6           The department of safety and professional services may not disclose the social  
7           security number except that the department of safety and professional services may  
8           disclose the social security number of an applicant for a license under par. (a) or a  
9           renewal of a license under par. (a) to the department of children and families for the  
10          sole purpose of administering s. 49.22.

11          **SECTION 281.** 101.02 (21) (e) 1. of the statutes is amended to read:

12          101.02 (21) (e) 1. If an applicant who is an individual does not have a social  
13          security number, the applicant, as a condition of applying for or applying to renew  
14          a license shall submit a statement made or subscribed under oath or affirmation to  
15          the department of safety and professional services that the applicant does not have  
16          a social security number. The form of the statement shall be prescribed by the  
17          department of children and families.

18          **SECTION 282.** 101.12 (1) (intro.) of the statutes is amended to read:

19          101.12 (1) (intro.) Except for plans that are reviewed by the department of  
20          health services under ss. 50.02 (2) (b) and, 50.025, or 50.36 (2), the department shall  
21          require the submission of essential drawings, calculations and specifications for  
22          public buildings, public structures and places of employment including the following  
23          components:

\*\*\*\*NOTE: The request for this draft included a request to exempt hospices from plan review conducted by DSPS because DHS conducts those reviews under s. 50.92. But s. 50.92 does not authorize or require DSPS to conduct plan reviews. It requires DHS to

inspect or investigate a hospice prior to licensing. Consequently, this provision does not include a cross-reference to s. 50.92. Please let me know if you think additional drafting is needed on this issue.

1       **SECTION 283.** 101.14 (2) (f) of the statutes is amended to read:

2           101.14 (2) (f) Every inspection required under pars. (b) and (c) is subject to the  
3 supervision and direction of the department, ~~which shall, after audit, certify to the~~  
4 ~~commissioner of insurance after the expiration of each calendar year each city,~~  
5 ~~village or town where the inspections for the year have been made, and where records~~  
6 ~~have been made and kept on file as required under par. (e).~~

7       **SECTION 284.** 101.149 (6) (b) of the statutes is amended to read:

8           101.149 (6) (b) The department shall promulgate rules, in consultation with  
9 the department of health services, under which the department ~~of safety and~~  
10 ~~professional services~~ shall authorize certified heating, ventilating, and air  
11 conditioning inspectors to conduct regular inspections of sealed combustion units, as  
12 required under sub. (5) (c), for carbon monoxide emissions in residential buildings  
13 other than hotels, tourist rooming houses, and bed and breakfast establishments.  
14 The rules shall specify conditions under which it may issue orders as specified under  
15 sub. (8) (a). The rules may not require the department ~~of safety and professional~~  
16 ~~services~~ to authorize inspection of sealed combustion units during the period in  
17 which the sealed combustion units are covered by a manufacturer's warranty against  
18 defects.

19       **SECTION 285.** 101.149 (8) (a) of the statutes is amended to read:

20           101.149 (8) (a) If the department ~~of safety and professional services~~ or the  
21 department of health services determines after an inspection of a building under this  
22 section or s. 254.74 (1g) that the owner of the building has violated sub. (2) or (3), the  
23 respective department shall issue an order requiring the person to correct the

1 violation within 5 days or within such shorter period as the respective department  
2 determines is necessary to protect public health and safety. If the person does not  
3 correct the violation within the time required, he or she shall forfeit \$50 for each day  
4 of violation occurring after the date on which the respective department finds that  
5 the violation was not corrected.

6 **SECTION 286.** 101.31 of the statutes is repealed.

7 **SECTION 287.** 101.573 (3) (a) of the statutes is amended to read:

8 101.573 (3) (a) On or before May 1 in each year, the department shall compile  
9 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
10 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
11 and certify to the secretary of administration the proper amount to be paid from the  
12 appropriation under s. ~~20.165 (2)~~ 20.142 (8) (L) to each city, village, or town entitled  
13 to fire department dues under s. 101.575. Annually, on or before August 1, the  
14 secretary of administration shall pay the amounts certified by the department to the  
15 cities, villages and towns eligible under s. 101.575.

16 **SECTION 288.** 101.573 (3) (b) of the statutes is amended to read:

17 101.573 (3) (b) The amount withheld under par. (a) shall be disbursed to correct  
18 errors of the department ~~or the commissioner of insurance~~ or for payments to cities,  
19 villages, or towns which are first determined to be eligible for payments under par.  
20 (a) after May 1. The department shall certify to the secretary of administration, as  
21 near as is practical, the amount which would have been payable to the municipality  
22 if payment had been properly disbursed under par. (a) on or prior to May 1, except  
23 the amount payable to any municipality first eligible after May 1 shall be reduced  
24 by 1.5% for each month or portion of a month which expires after May 1 and prior  
25 to the eligibility determination. The secretary of administration shall pay the

1 amount certified to the city, village, or town. The balance of the amount withheld in  
2 a calendar year under par. (a) which is not disbursed under this paragraph shall be  
3 included in the total compiled by the department under par. (a) for the next calendar  
4 year. If errors in payments exceed the amount set aside for error payments,  
5 adjustments shall be made in the distribution for the next year.

6 SECTION 289. 101.573 (4) of the statutes is amended to read:

7 101.573 (4) The department shall transmit to the treasurer of each city, village,  
8 and town entitled to fire department dues, a statement of the amount of dues payable  
9 to it, and the commissioner of insurance shall furnish to the secretary of  
10 administration, upon request, a list of the insurers paying dues under s. 601.93 and  
11 the amount paid by each.

12 SECTION 290. 101.573 (5) of the statutes is amended to read:

13 101.573 (5) The department shall promulgate a rule defining "administrative  
14 expenses" for purposes of s. ~~20.165 (2)~~ 20.142 (8) (La). 4

15 SECTION 291. <sup>RP;</sup> 101.657 ~~(5)~~ of the statutes is amended to read:

16 101.657 (5) From the appropriation under s. ~~20.165 (2)~~ 20.142 (8) (j), beginning  
17 with fiscal year 2005-06, the department shall allocate \$100,000 annually for the  
18 contract required under sub. (2) and at least \$600,000 annually for the contract  
19 required under sub. (3).

20 SECTION 292. 101.935 (2) (e) of the statutes is amended to read:

21 101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department  
22 of health services in the administration of s. 254.47, applies to an agent for the  
23 department of safety and professional services in the administration of this section.

24 SECTION 293. 101.951 (7) (a) of the statutes is amended to read:

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1           101.951 (7) (a) ~~The department of safety and professional services may~~, without  
2 notice, deny the application for a license within 60 days after receipt thereof by  
3 written notice to the applicant, stating the grounds for the denial. Within 30 days  
4 after such notice, the applicant may petition the department of administration to  
5 conduct a hearing to review the denial, and a hearing shall be scheduled with  
6 reasonable promptness. The division of hearings and appeals shall conduct the  
7 hearing. This paragraph does not apply to denials of applications for licenses under  
8 s. 101.02 (21).

9           **SECTION 294.** 101.951 (7) (b) of the statutes is amended to read:

10           101.951 (7) (b) No license may be suspended or revoked except after a hearing  
11 thereon. ~~The department of safety and professional services~~ shall give the licensee  
12 at least 5 days' notice of the time and place of the hearing. The order suspending or  
13 revoking such license shall not be effective until after 10 days' written notice thereof  
14 to the licensee, after such hearing has been had; except that the department ~~of safety~~  
15 ~~and professional services~~, when in its opinion the best interest of the public or the  
16 trade demands it, may suspend a license upon not less than 24 hours' notice of  
17 hearing and with not less than 24 hours' notice of the suspension of the license.  
18 Matters involving suspensions and revocations brought before the department ~~of~~  
19 ~~safety and professional services~~ shall be heard and decided upon by the department  
20 of administration. The division of hearings and appeals shall conduct the hearing.  
21 This paragraph does not apply to licenses that are suspended or revoked under s.  
22 101.02 (21).

23           **SECTION 295.** 101.951 (7) (c) of the statutes is amended to read:

24           101.951 (7) (c) ~~The department of safety and professional services~~ may inspect  
25 the pertinent books, records, letters and contracts of a licensee. The actual cost of

1 each such examination shall be paid by such licensee so examined within 30 days  
2 after demand therefor by the department, and the department may maintain an  
3 action for the recovery of such costs in any court of competent jurisdiction.

4 SECTION 296. 101.953 (1) (a) of the statutes is amended to read:

5 101.953 (1) (a) A statement that the manufactured home meets those  
6 standards prescribed by law or administrative rule of the department of  
7 administration or of the department of safety and professional services that are in  
8 effect at the time of the manufacture of the manufactured home.

9 SECTION 297. 101.973 (8) of the statutes is amended to read:

10 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the  
11 appropriation under s. ~~20.165 (2)~~ 20.142 (8) (j). 4

12 ~~SECTION 298. 102.01 (2) (a) of the statutes is renumbered 102.01 (2) (af).~~

13 SECTION 299. 102.01 (2) (ad) of the statutes is created to read:

14 102.01 (2) (ad) "Administrator" means the administrator of the division of  
15 hearings and appeals in the department of administration.

16 SECTION 300. 102.01 (2) (ap) of the statutes is amended to read:

17 102.01 (2) (ap) "Department" means the department of workforce development  
18 financial institutions, insurance, and professional standards.

19 SECTION 301. 102.01 (2) (ar) of the statutes is created to read:

20 102.01 (2) (ar) "Division" means the division of hearings and appeals in the  
21 department of administration.

22 SECTION 302. 102.01 (2) (em) of the statutes is amended to read:

23 102.01 (2) (em) "Secretary" means the secretary of workforce development  
24 financial institutions, insurance, and professional standards.

25 SECTION 303. 102.08 of the statutes is amended to read:

(= delete material beginning w/ p 74, 812 & ending w/ p 142, 88)



1        ~~**102.08 Administration for state employees.** The department of~~  
2        ~~administration has responsibility for the timely delivery of benefits payable under~~  
3        ~~this chapter to employees of the state and their dependents and other functions of~~  
4        ~~the state as an employer under this chapter. The department of administration may~~  
5        ~~delegate this authority that responsibility to employing departments and agencies~~  
6        ~~and require such reports as it ~~deems~~ considers necessary to accomplish this purpose.~~  
7        ~~The department of administration or its delegated authorities shall file with the~~  
8        ~~department of ~~workforce development~~ financial institutions, insurance, and~~  
9        ~~professional standards the reports that are required of all employers. The~~  
10       ~~department of ~~workforce development~~ financial institutions, insurance, and~~  
11       ~~professional standards shall monitor the delivery of benefits payable under this~~  
12       ~~chapter to state employees and their dependents and shall consult with and advise~~  
13       ~~the department of administration in the manner and at the times necessary to~~  
14       ~~ensure prompt and proper delivery of those benefits.~~

15        **SECTION 304.** 102.12 of the statutes is amended to read:

16        **102.12 Notice of injury, exception, laches.** No claim for compensation may  
17        be maintained unless, within 30 days after the occurrence of the injury or within 30  
18        days after the employee knew or ought to have known the nature of his or her  
19        disability and its relation to the employment, actual notice was received by the  
20        employer or by an officer, manager, or designated representative of an employer. If  
21        no representative has been designated by posters placed in one or more conspicuous  
22        places where notices to employees are customarily posted, then notice received by  
23        any superior is sufficient. Absence of notice does not bar recovery if it is found that  
24        the employer was not misled thereby by that absence. Regardless of whether notice  
25        was received, if no payment of compensation, other than medical treatment or burial

1 expense, is made, ~~and~~ and if no application is filed with the department within 2  
2 years ~~from~~ after the date of the injury or death, ~~or from~~ or the date the employee or  
3 his or her dependent knew or ought to have known the nature of the disability and  
4 its relation to the employment, the right to compensation ~~therefor~~ for the injury or  
5 death is barred, except that the right to compensation is not barred if the employer  
6 knew or should have known, within the 2-year period, that the employee had  
7 sustained the injury on which the claim is based. Issuance of notice of a hearing on  
8 the department's division's own motion has the same effect for the purposes of this  
9 section as the filing of an application. This section does not affect any claim barred  
10 under s. 102.17 (4).

11 **SECTION 305.** 102.13 (1) (c) of the statutes is amended to read:

12 102.13 (1) (c) So long as the employee, after a written request of the employer  
13 or insurer ~~which~~ that complies with par. (b), refuses to submit to or in any way  
14 obstructs the examination, the employee's right to begin or maintain any proceeding  
15 for the collection of compensation is suspended, except as provided in sub. (4). If the  
16 employee refuses to submit to the examination after direction by the department  
17 division or an examiner, or in any way obstructs the examination, the employee's  
18 right to the weekly indemnity ~~which~~ that accrues and becomes payable during the  
19 period of that refusal or obstruction, is barred, except as provided in sub. (4).

20 **SECTION 306.** 102.13 (1) (d) 2. of the statutes is amended to read:

21 102.13 (1) (d) 2. Any physician, chiropractor, psychologist, dentist, physician  
22 assistant, advanced practice nurse prescriber, or podiatrist who attended a worker's  
23 compensation claimant for any condition or complaint reasonably related to the  
24 condition for which the claimant claims compensation may be required to testify  
25 before the department division when the department division so directs.

1 ~~SECTION 307.~~ 102.13 (1) (d) 3. of the statutes is amended to read:

2 102.13 (1) (d) 3. Notwithstanding any statutory provisions except par. (e), any  
3 physician, chiropractor, psychologist, dentist, physician assistant, advanced  
4 practice nurse prescriber, or podiatrist attending a worker's compensation claimant  
5 for any condition or complaint reasonably related to the condition for which the  
6 claimant claims compensation may furnish to the employee, employer, worker's  
7 compensation insurer, ~~or the department, or the division~~ information and reports  
8 relative to a compensation claim.

9 ~~SECTION 308.~~ 102.13 (2) (a) of the statutes is amended to read:

10 102.13 (2) (a) An employee who reports an injury alleged to be work-related  
11 or who files an application for hearing waives any physician-patient,  
12 psychologist-patient or chiropractor-patient privilege with respect to any condition  
13 or complaint reasonably related to the condition for which the employee claims  
14 compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any  
15 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,  
16 advanced practice nurse prescriber, hospital, or health care provider shall, within a  
17 reasonable time after written request by the employee, employer, worker's  
18 compensation insurer, ~~or department, or division,~~ or its representative, provide that  
19 person with any information or written material reasonably related to any injury for  
20 which the employee claims compensation.

21 ~~SECTION 309.~~ 102.13 (2) (c) of the statutes is amended to read:

22 102.13 (2) (c) Except as provided in this paragraph, if an injured employee has  
23 a period of temporary disability that exceeds 3 weeks or a permanent disability, if the  
24 injured employee has undergone surgery to treat his or her injury, other than surgery  
25 to correct a hernia, or if the injured employee sustained an eye injury requiring

1 medical treatment on 3 or more occasions off the employer's premises, the  
2 department may by rule require the insurer or self-insured employer to submit to  
3 the department a final report of the employee's treating practitioner. The  
4 department may not require an insurer or self-insured employer to submit to the  
5 department a final report of an employee's treating practitioner when the insurer or  
6 self-insured employer denies the employee's claim for compensation and the  
7 employee does not contest that denial. A treating practitioner may charge a  
8 reasonable fee for the completion of the final report, but may not require prepayment  
9 of that fee. An insurer or self-insured employer that disputes the reasonableness of  
10 a fee charged for the completion of a treatment practitioner's final report may submit  
11 that dispute to the ~~department~~ division for resolution under s. 102.16 (2).

12 **SECTION 310.** 102.13 (3) of the statutes is amended to read:

13 102.13 (3) If 2 or more physicians, chiropractors, psychologists, dentists or  
14 podiatrists disagree as to the extent of an injured employee's temporary disability,  
15 the end of an employee's healing period, an employee's ability to return to work at  
16 suitable available employment, or the necessity for further treatment or for a  
17 particular type of treatment, the ~~department~~ division may appoint another  
18 physician, chiropractor, psychologist, dentist or podiatrist to examine the employee  
19 and render an opinion as soon as possible. The ~~department~~ division shall promptly  
20 notify the parties of this appointment. If the employee has not returned to work,  
21 payment for temporary disability shall continue until the ~~department~~ division  
22 receives the opinion. The employer or its insurance carrier or both shall pay for the  
23 examination and opinion. The employer or insurance carrier or both shall receive  
24 appropriate credit for any overpayment to the employee determined by the  
25 ~~department~~ division after receipt of the opinion.

1 **SECTION 311.** 102.13 (4) of the statutes is amended to read:

2 102.13 (4) ~~The rights of employees~~ right of an employee to begin or maintain  
3 proceedings for the collection of compensation and to receive weekly indemnities  
4 ~~which that~~ accrue and become payable shall not be suspended or barred under sub.  
5 (1) when ~~an~~ the employee refuses to submit to a physical examination, upon the  
6 request of the employer or worker's compensation insurer or at the direction of the  
7 ~~department~~ division or an examiner, ~~which that~~ would require the employee to travel  
8 a distance of 100 miles or more from his or her place of residence, unless the employee  
9 has claimed compensation for treatment from a practitioner whose office is located  
10 100 miles or more from the employee's place of residence or the ~~department~~ division  
11 or examiner determines that any other circumstances warrant the examination. If  
12 the employee has claimed compensation for treatment from a practitioner whose  
13 office is located 100 miles or more from the employee's place of residence, the  
14 employer or insurer may request, or the ~~department~~ division or an examiner may  
15 direct, the employee to submit to a physical examination in the area where the  
16 employee's treatment practitioner is located.

17 **SECTION 312.** 102.13 (5) of the statutes is amended to read:

18 102.13 (5) The ~~department~~ division may refuse to receive testimony as to  
19 conditions determined from an autopsy if it appears that the party offering the  
20 testimony had procured the autopsy and had failed to make reasonable effort to  
21 notify at least one party in adverse interest or the ~~department~~ division at least 12  
22 hours before the autopsy of the time and place ~~it~~ at which the autopsy would be  
23 performed, or that the autopsy was performed by or at the direction of the coroner  
24 or medical examiner or at the direction of the district attorney for purposes not

1 authorized by ~~under ch. 979.~~ The department division may withhold findings until  
2 an autopsy is held in accordance with its directions.

3 **SECTION 313.** 102.14 (1) of the statutes is amended to read:

4 102.14 (1) This ~~Except as otherwise provided, this~~ chapter shall be  
5 administered by the department.

6 **SECTION 314.** 102.15 (1) of the statutes is amended to read:

7 102.15 (1) Subject to this chapter, the department division may adopt its own  
8 rules of procedure and may change the same from time to time.

9 **SECTION 315.** 102.15 (2) of the statutes is amended to read:

10 102.15 (2) The department division may provide by rule the conditions under  
11 which transcripts of testimony and proceedings shall be furnished.

12 **SECTION 316.** 102.16 (1) of the statutes is amended to read:

13 102.16 (1) Any controversy concerning compensation or a violation of sub. (3),  
14 including ~~controversies~~ a controversy in which the state may be a party, shall be  
15 submitted to the department ~~under s. 102.17 (1) (a) 1. and processed by the division~~  
16 in the manner and with the effect provided in this chapter. ~~Every compromise of any~~  
17 ~~claim for compensation may be reviewed and set aside, modified or confirmed by the~~  
18 ~~department within~~ Within one year ~~from after~~ the date ~~the~~ on which a compromise  
19 of any claim for compensation is filed with the department, ~~or from division or the~~  
20 ~~date on which~~ an award has been entered, ~~based thereon,~~ or the department may  
21 ~~take that action~~ based on a compromise, the division, on its own motion or upon  
22 application made within one year that period, may review and set aside, modify, or  
23 confirm the compromise. Unless the word "compromise" appears in a stipulation of  
24 settlement, the settlement shall not be deemed considered a compromise, and  
25 ~~further claim is not barred except as provided in s. 102.17 (4) regardless of whether~~

1 ~~an award is made. The employer, insurer, or dependent under s. 102.51 (5) shall have~~  
2 ~~equal rights with the employee to have review of a compromise or any other~~  
3 ~~stipulation of settlement reviewed under this subsection. Upon petition filed with~~  
4 ~~the department division, the department division may set aside the award or~~  
5 ~~otherwise determine the rights of the parties.~~

6 **SECTION 317.** 102.16 (1m) (a) of the statutes is amended to read:

7 102.16 (1m) (a) If an insurer or self-insured employer concedes by compromise  
8 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
9 employer is liable under this chapter for any health services provided to an injured  
10 employee by a health service provider, but disputes the reasonableness of the fee  
11 charged by the health service provider, the department division may include in its  
12 order confirming the compromise or stipulation a determination as to the  
13 reasonableness of the fee or the department division may notify, or direct the insurer  
14 or self-insured employer to notify, the health service provider under sub. (2) (b) that  
15 the reasonableness of the fee is in dispute. The department division shall deny  
16 payment of a health service fee that the department division determines under this  
17 paragraph to be unreasonable. A health service provider and an insurer or  
18 self-insured employer that are parties to a fee dispute under this paragraph are  
19 bound by the department's division's determination under this paragraph on the  
20 reasonableness of the disputed fee, unless that determination is set aside, reversed,  
21 or modified by the department division under sub. (2) (f) or is set aside on judicial  
22 review as provided in sub. (2) (f).

23 **SECTION 318.** 102.16 (1m) (b) of the statutes is amended to read:

24 102.16 (1m) (b) If an insurer or self-insured employer concedes by compromise  
25 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured

1 employer is liable under this chapter for any treatment provided to an injured  
2 employee by a health service provider, but disputes the necessity of the treatment,  
3 the department division may include in its order confirming the compromise or  
4 stipulation a determination as to the necessity of the treatment or the department  
5 division may notify, or direct the insurer or self-insured employer to notify, the  
6 health service provider under sub. (2m) (b) that the necessity of the treatment is in  
7 dispute. Before determining under this paragraph the necessity of treatment  
8 provided to an injured employee, the department division may, but is not required  
9 to, obtain the opinion of an expert selected by the department division who is  
10 qualified as provided in sub. (2m) (c). The standards promulgated under sub. (2m)  
11 (g) shall be applied by an expert and by the department division in rendering an  
12 opinion as to, and in determining, necessity of treatment under this paragraph. In  
13 cases in which no standards promulgated under sub. (2m) (g) apply, the department  
14 division shall find the facts regarding necessity of treatment. The department  
15 division shall deny payment for any treatment that the department division  
16 determines under this paragraph to be unnecessary. A health service provider and  
17 an insurer or self-insured employer that are parties to a dispute under this  
18 paragraph over the necessity of treatment are bound by the department's division's  
19 determination under this paragraph on the necessity of the disputed treatment,  
20 unless that determination is set aside, reversed, or modified by the department  
21 division under sub. (2m) (e) or is set aside on judicial review as provided in sub. (2m)  
22 (e).

23 **SECTION 319.** 102.16 (1m) (c) of the statutes is amended to read:

24 102.16 (1m) (c) If an insurer or self-insured employer concedes by compromise  
25 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured



1 employer is liable under this chapter for the cost of a prescription drug dispensed  
2 under s. 102.425 (2) for outpatient use by an injured employee, but disputes the  
3 reasonableness of the amount charged for the prescription drug, the department  
4 division may include in its order confirming the compromise or stipulation a  
5 determination as to the reasonableness of the prescription drug charge or the  
6 department division may notify, or direct the insurer or self-insured employer to  
7 notify, the pharmacist or practitioner dispensing the prescription drug under s.  
8 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in  
9 dispute. The department division shall deny payment of a prescription drug charge  
10 that the department division determines under this paragraph to be unreasonable.  
11 A pharmacist or practitioner and an insurer or self-insured employer that are  
12 parties to a dispute under this paragraph over the reasonableness of a prescription  
13 drug charge are bound by the department's division's determination under this  
14 paragraph on the reasonableness of the disputed prescription drug charge, unless  
15 that determination is set aside, reversed, or modified by the department division  
16 under s. 102.425 (4m) (e) or is set aside on judicial review as provided in s. 102.425  
17 (4m) (e).

18 **SECTION 320.** 102.16 (2) (a) of the statutes is amended to read:

19 102.16 (2) (a) Except as provided in this paragraph, the department division  
20 has jurisdiction under this subsection, sub. (1m) (a), and s. 102.17 to resolve a dispute  
21 between a health service provider and an insurer or self-insured employer over the  
22 reasonableness of a fee charged by the health service provider for health services  
23 provided to an injured employee who claims benefits under this chapter. A health  
24 service provider may not submit a fee dispute to the department division under this  
25 subsection before all treatment by the health service provider of the employee's

1 injury has ended if the amount in controversy, whether based on a single charge or  
2 a combination of charges for one or more days of service, is less than \$25. After all  
3 treatment by a health service provider of an employee's injury has ended, the health  
4 service provider may submit any fee dispute to the department division, regardless  
5 of the amount in controversy. The department division shall deny payment of a  
6 health service fee that the department division determines under this subsection to  
7 be unreasonable.

8 **SECTION 321.** 102.16 (2) (am) of the statutes is amended to read:

9 102.16 (2) (am) A health service provider and an insurer or self-insured  
10 employer that are parties to a fee dispute under this subsection are bound by the  
11 department's division's determination under this subsection on the reasonableness  
12 of the disputed fee, unless that determination is set aside on judicial review as  
13 provided in par. (f).

14 **SECTION 322.** 102.16 (2) (b) of the statutes is amended to read:

15 102.16 (2) (b) An insurer or self-insured employer that disputes the  
16 reasonableness of a fee charged by a health service provider or the department  
17 division under sub. (1m) (a) or s. 102.18 (1) (bg) 1. shall provide reasonable written  
18 notice to the health service provider that the fee is being disputed. After receiving  
19 reasonable written notice under this paragraph or under sub. (1m) (a) or s. 102.18  
20 (1) (bg) 1, that a health service fee is being disputed, a health service provider may  
21 not collect the disputed fee from, or bring an action for collection of the disputed fee  
22 against, the employee who received the services for which the fee was charged.

23 **SECTION 323.** 102.16 (2) (c) of the statutes is amended to read:

24 102.16 (2) (c) After a fee dispute is submitted to the department division, the  
25 insurer or self-insured employer that is a party to the dispute shall provide to the

1 ~~department division information on that fee and information on fees charged by~~  
2 ~~other health service providers for comparable services. The insurer or self-insured~~  
3 ~~employer shall obtain the information on comparable fees from a database that is~~  
4 ~~certified by the department division under par. (h). Except as provided in par. (e) 1.~~  
5 ~~if the insurer or self-insured employer does not provide the information required~~  
6 ~~under this paragraph, the department division shall determine that the disputed fee~~  
7 ~~is reasonable and order that it be paid. If the insurer or self-insured employer~~  
8 ~~provides the information required under this paragraph, the department division~~  
9 ~~shall use that information to determine the reasonableness of the disputed fee.~~

10 **SECTION 324.** 102.16 (2) (d) of the statutes is amended to read:

11 102.16 (2) (d) ~~The department division shall analyze the information provided~~  
12 ~~to the department division under par. (c) according to the criteria provided in this~~  
13 ~~paragraph to determine the reasonableness of the disputed fee. Except as provided~~  
14 ~~in 2011 Wisconsin Act 183, section 30 (2) (b), the department division shall determine~~  
15 ~~that a disputed fee is reasonable and order that the disputed fee be paid if that fee~~  
16 ~~is at or below the mean fee for the health service procedure for which the disputed~~  
17 ~~fee was charged, plus 1.2 standard deviations from that mean, as shown by data from~~  
18 ~~a database that is certified by the department division under par. (h). Except as~~  
19 ~~provided in 2011 Wisconsin Act 183, section 30 (2) (b), the department division shall~~  
20 ~~determine that a disputed fee is unreasonable and order that a reasonable fee be paid~~  
21 ~~if the disputed fee is above the mean fee for the health service procedure for which~~  
22 ~~the disputed fee was charged, plus 1.2 standard deviations from that mean, as shown~~  
23 ~~by data from a database that is certified by the department division under par. (h),~~  
24 ~~unless the health service provider proves to the satisfaction of the department~~

1 ~~division that a higher fee is justified because the service provided in the disputed case~~  
2 ~~was more difficult or more complicated to provide than in the usual case.~~

3 **SECTION 325.** 102.16 (2) (e) 1. of the statutes is amended to read:

4 102.16 (2) (e) 1. Subject to subd. 2., if an insurer or self-insured employer that  
5 disputes the reasonableness of a fee charged by a health service provider cannot  
6 provide information on fees charged by other health service providers for comparable  
7 services because the database to which the insurer or self-insured employer  
8 subscribes is not able to provide accurate information for the health service  
9 procedure at issue, the ~~department~~ division may use any other information that the  
10 ~~department~~ division considers to be reliable and relevant to the disputed fee to  
11 determine the reasonableness of the disputed fee.

12 **SECTION 326.** 102.16 (2) (e) 2. of the statutes is amended to read:

13 102.16 (2) (e) 2. Notwithstanding subd. 1., the ~~department~~ division may use  
14 only a hospital radiology database that has been certified by the ~~department~~ division  
15 under par. (h) to determine the reasonableness of a hospital fee for radiology services.

16 **SECTION 327.** 102.16 (2) (f) of the statutes is amended to read:

17 102.16 (2) (f) Within 30 days after a determination under this subsection, the  
18 ~~department~~ division may set aside, reverse, or modify the determination for any  
19 reason that the ~~department~~ division considers sufficient. Within 60 days after a  
20 determination under this subsection, the ~~department~~ division may set aside,  
21 reverse, or modify the determination on grounds of mistake. A health service  
22 provider, insurer, or self-insured employer that is aggrieved by a determination of  
23 the ~~department~~ division under this subsection may seek judicial review of that  
24 determination in the same manner that compensation claims are reviewed under s.

25 102.23.

1 **SECTION 328.** 102.16 (2) (h) of the statutes is amended to read:

2 102.16 (2) (h) The ~~department~~ division shall promulgate rules establishing  
3 procedures and requirements for the fee dispute resolution process under this  
4 subsection, including rules specifying the standards that health service fee  
5 databases must meet for certification under this paragraph. Using those standards,  
6 the ~~department~~ division shall certify databases of the health service fees that various  
7 health service providers charge. In certifying databases under this paragraph, the  
8 ~~department~~ division shall certify at least one database of hospital fees for radiology  
9 services, including diagnostic and interventional radiology, diagnostic ultrasound,  
10 and nuclear medicine.

11 **SECTION 329.** 102.16 (2m) (a) of the statutes is amended to read:

12 102.16 (2m) (a) Except as provided in this paragraph, the ~~department~~ division  
13 has jurisdiction under this subsection, sub. (1m) (b), and s. 102.17 to resolve a dispute  
14 between a health service provider and an insurer or self-insured employer over the  
15 necessity of treatment provided for an injured employee who claims benefits under  
16 this chapter. A health service provider may not submit a dispute over necessity of  
17 treatment to the ~~department~~ division under this subsection before all treatment by  
18 the health service provider of the employee's injury has ended if the amount in  
19 controversy, whether based on a single charge or a combination of charges for one or  
20 more days of service, is less than \$25. After all treatment by a health service provider  
21 of an employee's injury has ended, the health service provider may submit any  
22 dispute over necessity of treatment to the ~~department~~ division, regardless of the  
23 amount in controversy. The ~~department~~ division shall deny payment for any  
24 treatment that the ~~department~~ division determines under this subsection to be  
25 unnecessary.

1       **SECTION 330.** 102.16 (2m) (am) of the statutes is amended to read:

2       102.16 (2m) (am) A health service provider and an insurer or self-insured  
3 employer that are parties to a dispute under this subsection over the necessity of  
4 treatment are bound by the department's division's determination under this  
5 subsection on the necessity of the disputed treatment, unless that determination is  
6 set aside on judicial review as provided in par. (e).

7       **SECTION 331.** 102.16 (2m) (b) of the statutes is amended to read:

8       102.16 (2m) (b) An insurer or self-insured employer that disputes the  
9 necessity of treatment provided by a health service provider or the department  
10 division under sub. (1m) (b) or s. 102.18 (1) (bg) 2, shall provide reasonable written  
11 notice to the health service provider that the necessity of that treatment is being  
12 disputed. After receiving reasonable written notice under this paragraph or under  
13 sub. (1m) (b) or s. 102.18 (1) (bg) 2, that the necessity of treatment is being disputed,  
14 a health service provider may not collect a fee for that disputed treatment from, or  
15 bring an action for collection of the fee for that disputed treatment against, the  
16 employee who received the treatment.

17       **SECTION 332.** 102.16 (2m) (c) of the statutes is amended to read:

18       102.16 (2m) (c) Before determining under this subsection the necessity of  
19 treatment provided for an injured employee who claims benefits under this chapter,  
20 the department division shall obtain a written opinion on the necessity of the  
21 treatment in dispute from an expert selected by the department division. To qualify  
22 as an expert, a person must be licensed to practice the same health care profession  
23 as the individual health service provider whose treatment is under review and must  
24 either be performing services for an impartial health care services review  
25 organization or be a member of an independent panel of experts established by the

1 ~~department division under par. (f). The standards promulgated under par. (g) shall~~  
2 ~~be applied by an expert and by the department division in rendering an opinion as~~  
3 ~~to, and in determining, necessity of treatment under this paragraph. In cases in~~  
4 ~~which no standards promulgated under sub. (2m) (g) apply, the department division~~  
5 ~~shall find the facts regarding necessity of treatment. The department division shall~~  
6 ~~adopt the written opinion of the expert as the department's division's determination~~  
7 ~~on the issues covered in the written opinion, unless the health service provider or the~~  
8 ~~insurer or self-insured employer present clear and convincing written evidence that~~  
9 ~~the expert's opinion is in error.~~

10 **SECTION 333.** 102.16 (2m) (d) of the statutes is amended to read:

11 102.16 (2m) (d) The department division may charge a party to a dispute over  
12 the necessity of treatment provided for an injured employee who claims benefits  
13 under this chapter for the full cost of obtaining the written opinion of the expert  
14 under par. (c). The department division shall charge the insurer or self-insured  
15 employer for the full cost of obtaining the written opinion of the expert for the first  
16 dispute that a particular individual health service provider is involved in, unless the  
17 department division determines that the individual health service provider's  
18 position in the dispute is frivolous or based on fraudulent representations. In a  
19 subsequent dispute involving the same individual health service provider, the  
20 department division shall charge the losing party to the dispute for the full cost of  
21 obtaining the written opinion of the expert.

22 **SECTION 334.** 102.16 (2m) (e) of the statutes is amended to read:

23 102.16 (2m) (e) Within 30 days after a determination under this subsection, the  
24 department division may set aside, reverse, or modify the determination for any  
25 reason that the department division considers sufficient. Within 60 days after a

1 ~~determination under this subsection, the department division may set aside,~~  
2 ~~reverse, or modify the determination on grounds of mistake. A health service~~  
3 ~~provider, insurer, or self-insured employer that is aggrieved by a determination of~~  
4 ~~the department division under this subsection may seek judicial review of that~~  
5 ~~determination in the same manner that compensation claims are reviewed under s.~~  
6 ~~102.23.~~

7 **SECTION 335.** 102.16 (2m) (f) of the statutes is amended to read:

8 102.16 (2m) (f) ~~The department division may contract with an impartial health~~  
9 ~~care services review organization to provide the expert opinions required under par.~~  
10 ~~(c), or establish a panel of experts to provide those opinions, or both. If the~~  
11 ~~department division establishes a panel of experts to provide the expert opinions~~  
12 ~~required under par. (c), the department division may pay the members of that panel~~  
13 ~~a reasonable fee, plus actual and necessary expenses, for their services.~~

14 **SECTION 336.** 102.16 (2m) (g) of the statutes is amended to read:

15 102.16 (2m) (g) ~~The department division shall promulgate rules establishing~~  
16 ~~procedures and requirements for the necessity of treatment dispute resolution~~  
17 ~~process under this subsection, including rules setting the fees under par. (f) and rules~~  
18 ~~establishing standards for determining the necessity of treatment provided to an~~  
19 ~~injured employee. Before the department division may amend the rules establishing~~  
20 ~~those standards, the department division shall establish an advisory committee~~  
21 ~~under s. 227.13 composed of health care providers providing treatment under s.~~  
22 ~~102.42 to advise the department division and the council on worker's compensation~~  
23 ~~on amending those rules.~~

24 **SECTION 337.** 102.16 (4) of the statutes is amended to read:



1       102.16 (4) The department division has jurisdiction to pass on any question  
2 arising out of sub. (3) and has jurisdiction to order the employer to reimburse an  
3 employee or other person for any sum deducted from wages or paid by him or her in  
4 violation of that subsection. In addition to the penalty provided in s. 102.85 (1), any  
5 employer violating sub. (3) shall be liable to an injured employee for the reasonable  
6 value of the necessary services rendered to that employee pursuant to under any  
7 arrangement made in violation of sub. (3) without regard to that employee's actual  
8 disbursements for ~~the same~~ those services.

9       **SECTION 338.** 102.17 (1) (a) 1. of the statutes is amended to read:

10       102.17 (1) (a) 1. Upon the filing with the department by any party in interest  
11 of any application in writing stating the general nature of any claim as to which any  
12 dispute or controversy may have arisen, the department shall mail a copy of the  
13 application to all other parties in interest and to the administrator, and the  
14 insurance carrier and the department shall be considered ~~a party~~ parties in interest.  
15 The department or the division may bring in additional parties by service of a copy  
16 of the application.

17       **SECTION 339.** 102.17 (1) (a) 2. of the statutes is amended to read:

18       102.17 (1) (a) 2. Subject to subd. 3., the department division shall cause notice  
19 of hearing on the application to be given to each interested party, by service of that  
20 notice on the interested party personally or by mailing a copy of that notice to the  
21 interested party's last-known address at least 10 days before the hearing. If a party  
22 in interest is located without this state, and has no post-office address within this  
23 state, the copy of the application and copies of all notices shall be filed with the  
24 department of financial institutions and shall also be sent by registered or certified  
25 mail to the last-known post-office address of the party. Such filing and mailing shall

1 ~~constitute sufficient service, with the same effect as if served upon a party located~~  
2 ~~within this state.~~

3 **SECTION 340.** 102.17 (1) (a) 3. of the statutes is amended to read:

4 102.17 (1) (a) 3. If a party in interest claims that the employer or insurer has  
5 acted with malice or bad faith, as described in s. 102.18 (1) (b) or (bp), that party shall  
6 provide written notice stating with reasonable specificity the basis for the claim to  
7 the employer, the insurer, the department, and the department division before the  
8 department division schedules a hearing on the claim of malice or bad faith.

9 **SECTION 341.** 102.17 (1) (a) 4. of the statutes is amended to read:

10 102.17 (1) (a) 4. The hearing may be adjourned in the discretion of the  
11 department division, and hearings may be held at such places as the department  
12 division designates, within or without the state. The department division may also  
13 arrange to have hearings held by the commission, officer, or tribunal having  
14 authority to hear cases arising under the worker's compensation law of any other  
15 state, of the District of Columbia, or of any territory of the United States, with the  
16 testimony and proceedings at any such hearing to be reported to the department  
17 division and to be made part of the record in the case. Any evidence so taken shall  
18 be subject to rebuttal upon final hearing before the department division.

19 **SECTION 342.** 102.17 (1) (b) of the statutes is amended to read:

20 102.17 (1) (b) In any dispute or controversy pending before the department  
21 division, the department division may direct the parties to appear before an  
22 examiner for a conference to consider the clarification of issues, the joining of  
23 additional parties, the necessity or desirability of amendments to the pleadings, the  
24 obtaining of admissions of fact or of documents, records, reports, and bills ~~which that~~  
25 ~~may avoid unnecessary proof, and such other matters as may aid in disposition of the~~

1 dispute or controversy. After this ~~that~~ conference the department division may issue  
2 an order requiring disclosure or exchange of any information or written material  
3 ~~which it~~ that the division considers material to the timely and orderly disposition of  
4 the dispute or controversy. If a party fails to disclose or exchange that information  
5 within the time stated in the order, the department division may issue an order  
6 dismissing the claim without prejudice or excluding evidence or testimony relating  
7 to the information or written material. The department division shall provide each  
8 party with a copy of any order issued under this paragraph.

9 **SECTION 343.** 102.17 (1) (c) of the statutes is renumbered 102.17 (1) (c) 1. and  
10 amended to read:

11 102.17 (1) (c) 1. Any party shall have the right to be present at any hearing,  
12 in person or by attorney or any other agent, and to present such testimony as may  
13 be pertinent to the controversy before ~~the~~ department division. No person, firm, or  
14 corporation, other than an attorney at law who is licensed to practice law in the state,  
15 may appear on behalf of any party in interest before the department division or any  
16 member or employee of the department division assigned to conduct any hearing,  
17 investigation, or inquiry relative to a claim for compensation or benefits under this  
18 chapter, unless the person is 18 years of age or older, does not have an arrest or  
19 conviction record, subject to ss. 111.321, 111.322 and 111.335, is otherwise qualified,  
20 and has obtained from the department division a license with authorization to  
21 appear in matters or proceedings before the department division. Except as provided  
22 under pars. (cm), (cr), and (ct), the license shall be issued by the department division  
23 under rules promulgated by the department division. The department division shall  
24 maintain in its office a current list of persons to whom licenses have been issued.

1        2. Any license issued under subd. 1. may be suspended or revoked by the  
2 department division for fraud or serious misconduct on the part of an agent, any  
3 license may be denied, suspended, nonrenewed, or otherwise withheld by the  
4 department division for failure to pay court-ordered payments as provided in par.  
5 (cm) on the part of an agent, and any license may be denied or revoked if the  
6 department of revenue certifies under s. 73.0301 that the applicant or licensee is  
7 liable for delinquent taxes or if the department of workforce development determines  
8 under par. (et) s. 108.227 that the applicant or licensee is liable for delinquent  
9 unemployment insurance contributions. Before suspending or revoking the license  
10 of the agent on the grounds of fraud or misconduct, the department division shall give  
11 notice in writing to the agent of the charges of fraud or misconduct and shall give the  
12 agent full opportunity to be heard in relation to those charges. In denying,  
13 suspending, restricting, refusing to renew, or otherwise withholding a license for  
14 failure to pay court-ordered payments as provided in par. (cm), the department  
15 division shall follow the procedure provided in a memorandum of understanding  
16 entered into under s. 49.857. The license and certificate of authority shall, unless

17        3. Unless otherwise suspended or revoked, a license issued under subd. 1. shall  
18 be in force from the date of issuance until the June 30 following the date of issuance  
19 and may be renewed by the department division from time to time, but each renewed  
20 license shall expire on the June 30 following the issuance of the renewed license.

21        **SECTION 344.** 102.17 (1) (cg) 1. of the statutes is amended to read:

22        102.17 (1) (cg) 1. Except as provided in subd. 2m., the department division shall  
23 require each applicant for a license under par. (c) who is an individual to provide the  
24 department division with the applicant's social security number, and shall require  
25 each applicant for a license under par. (e) who is not an individual to provide the

1 ~~department division with the applicant's federal employer identification number,~~  
2 ~~when initially applying for or applying to renew the license.~~

3 ~~**SECTION 345.** 102.17 (1) (cg) 2. of the statutes is amended to read:~~

4 ~~102.17 (1) (cg) 2. If an applicant who is an individual fails to provide the~~  
5 ~~applicant's social security number to the department division or if an applicant who~~  
6 ~~is not an individual fails to provide the applicant's federal employer identification~~  
7 ~~number to the department division, the department division may not issue or renew~~  
8 ~~a license under par. (c) to or for the applicant unless the applicant is an individual~~  
9 ~~who does not have a social security number and the applicant submits a statement~~  
10 ~~made or subscribed under oath or affirmation as required under subd. 2m.~~

11 ~~**SECTION 346.** 102.17 (1) (cg) 2m. of the statutes is amended to read:~~

12 ~~102.17 (1) (cg) 2m. If an applicant who is an individual does not have a social~~  
13 ~~security number, the applicant shall submit a statement made or subscribed under~~  
14 ~~oath or affirmation to the department division that the applicant does not have a~~  
15 ~~social security number. The form of the statement shall be prescribed by the~~  
16 ~~department division. A license issued in reliance upon a false statement submitted~~  
17 ~~under this subdivision is invalid.~~

18 ~~**SECTION 347.** 102.17 (1) (cg) 3. of the statutes is amended to read:~~

19 ~~102.17 (1) (cg) 3. The department of workforce development division may not~~  
20 ~~disclose any information received under subd. 1. to any person except to the~~  
21 ~~department of revenue for the sole purpose of requesting certifications under s.~~  
22 ~~73.0301, the department of workforce development for the sole purpose of requesting~~  
23 ~~certifications under s. 108.227, or the department of children and families for~~  
24 ~~purposes of administering s. 49.22.~~

25 ~~**SECTION 348.** 102.17 (1) (cm) of the statutes is amended to read:~~

1 ~~102.17 (1) (cm) The department of workforce development division shall deny,~~  
2 ~~suspend, restrict, refuse to renew, or otherwise withhold a license under par. (c) for~~  
3 ~~failure of the applicant or agent to pay court-ordered payments of child or family~~  
4 ~~support, maintenance, birth expenses, medical expenses, or other expenses related~~  
5 ~~to the support of a child or former spouse or for failure of the applicant or agent to~~  
6 ~~comply, after appropriate notice, with a subpoena or warrant issued by the~~  
7 ~~department of children and families or a county child support agency under s. 59.53~~  
8 ~~(5) and related to paternity or child support proceedings, as provided in a~~  
9 ~~memorandum of understanding entered into under s. 49.857. Notwithstanding par.~~  
10 ~~(c), an action taken under this paragraph is subject to review only as provided in the~~  
11 ~~memorandum of understanding entered into under s. 49.857 and not as provided in~~  
12 ~~ch. 227.~~

13 **SECTION 349.** 102.17 (1) (cr) of the statutes is amended to read:

14 102.17 (1) (cr) The ~~department~~ division shall deny an application for the  
15 issuance or renewal of a license under par. (c), or revoke such a license already issued,  
16 if the department of revenue certifies under s. 73.0301 that the applicant or licensee  
17 is liable for delinquent taxes. Notwithstanding par. (c), an action taken under this  
18 paragraph is subject to review only as provided under s. 73.0301 (5) and not as  
19 provided in ch. 227.

20 **SECTION 350.** 102.17 (1) (ct) of the statutes is repealed and recreated to read:

21 102.17 (1) (ct) The division shall deny an application for the issuance or  
22 renewal of a license under par. (c), or revoke such a license already issued, if the  
23 department of workforce development certifies under s. 108.227 that the applicant  
24 or licensee is liable for delinquent unemployment insurance contributions.

1 Notwithstanding par. (c), an action taken under this paragraph is subject to review  
2 only as provided under s. 108.227 (5) and not as provided in ch. 227.

3 **SECTION 351.** 102.17 (1) (d) 1. of the statutes is amended to read:

4 102.17 (1) (d) 1. The contents of certified medical and surgical reports by  
5 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,  
6 advanced practice nurse prescribers, and chiropractors licensed in and practicing in  
7 this state, and of certified reports by experts concerning loss of earning capacity  
8 under s. 102.44 (2) and (3), presented by a party for compensation constitute prima  
9 facie evidence as to the matter contained in those reports, subject to any rules and  
10 limitations the department division prescribes. Certified reports of physicians,  
11 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced  
12 practice nurse prescribers, and chiropractors, wherever licensed and practicing, who  
13 have examined or treated the claimant, and of experts, if the practitioner or expert  
14 consents to being subjected to cross-examination, also constitute prima facie  
15 evidence as to the matter contained in those reports. Certified reports of physicians,  
16 podiatrists, surgeons, psychologists, and chiropractors are admissible as evidence of  
17 the diagnosis, necessity of the treatment, and cause and extent of the disability.  
18 Certified reports by doctors of dentistry, physician assistants, and advanced practice  
19 nurse prescribers are admissible as evidence of the diagnosis and necessity of  
20 treatment but not of the cause and extent of disability. Any physician, podiatrist,  
21 surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice  
22 nurse prescriber, or expert who knowingly makes a false statement of fact or opinion  
23 in such a certified report may be fined or imprisoned, or both, under s. 943.395.

24 **SECTION 352.** 102.17 (1) (d) 2. of the statutes is amended to read:

1 102.17 (1) (d) 2. The record of a hospital or sanatorium in this state that is  
2 satisfactory to the department division, established by certificate, affidavit, or  
3 testimony of the supervising officer of the hospital or sanatorium, any other person  
4 having charge of the record, or a physician, podiatrist, surgeon, dentist, psychologist,  
5 physician assistant, advanced practice nurse prescriber, or chiropractor to be the  
6 record of the patient in question, and made in the regular course of examination or  
7 treatment of the patient, constitutes prima facie evidence as to the matter contained  
8 in the record, to the extent that the record is otherwise competent and relevant.

9 **SECTION 353.** 102.17 (1) (d) 3. of the statutes is amended to read:

10 102.17 (1) (d) 3. The department division may, by rule, establish the  
11 qualifications of and the form used for certified reports submitted by experts who  
12 provide information concerning loss of earning capacity under s. 102.44 (2) and (3).  
13 The department division may not admit into evidence a certified report of a  
14 practitioner or other expert or a record of a hospital or sanatorium that was not filed  
15 with the department division and all parties in interest at least 15 days before the  
16 date of the hearing, unless the department division is satisfied that there is good  
17 cause for the failure to file the report.

18 **SECTION 354.** 102.17 (1) (d) 4. of the statutes is amended to read:

19 102.17 (1) (d) 4. A report or record described in subd. 1., 2., or 3. that is admitted  
20 or received into evidence by the department division constitutes substantial  
21 evidence under s. 102.23 (6) as to the matter contained in the report or record.

22 **SECTION 355.** 102.17 (1) (e) of the statutes is amended to read:

23 102.17 (1) (e) The department division may, with or without notice to any party,  
24 cause testimony to be taken, an inspection of the premises where the injury occurred  
25 to be made, or the time books and payrolls of the employer to be examined by any



1 ~~examiner, and may direct any employee claiming compensation to be examined by~~  
2 ~~a physician, chiropractor, psychologist, dentist, or podiatrist. The testimony so~~  
3 ~~taken, and the results of any such inspection or examination, shall be reported to the~~  
4 ~~department division for its consideration upon final hearing. All ex parte testimony~~  
5 ~~taken by the department division shall be reduced to writing, and any party shall~~  
6 ~~have opportunity to rebut that testimony on final hearing.~~

7 **SECTION 356.** 102.17 (1) (f) of the statutes is amended to read:

8 102.17 (1) (f) Sections 804.05 and 804.07 shall not apply to proceedings under  
9 this chapter, except as to a witness who is any of the following:

- 10 1. ~~Who is beyond~~ Beyond reach of the subpoena of the department; ~~or division~~
- 11 2. ~~Who is about~~ About to go out of the state, not intending to return in time for  
12 ~~the hearing; or hearing.~~
- 13 3. ~~Who is so~~ So sick, infirm, or aged as to make it probable that the witness will  
14 ~~not be able to attend the hearing; or hearing.~~
- 15 4. ~~Who is a~~ A member of the legislature, if any committee of the ~~same or~~  
16 ~~legislature or of the house of which the witness is a member, is in session, provided~~  
17 ~~and the witness waives his or her privilege.~~

18 **SECTION 357.** 102.17 (1) (g) of the statutes is amended to read:

19 102.17 (1) (g) Whenever the testimony presented at any hearing indicates a  
20 dispute or creates a doubt as to the extent or cause of disability or death, the  
21 ~~department division~~ may direct that the injured employee be examined, that an  
22 autopsy be performed, or that an opinion be obtained without examination or  
23 autopsy, by or from an impartial, competent physician, chiropractor, dentist,  
24 psychologist or podiatrist designated by the department division who is not under  
25 ~~contract with or regularly employed by a compensation insurance carrier or~~

1 self-insured employer. The expense of the examination, autopsy, or opinion shall be  
2 paid by the employer or, if the employee claims compensation under s. 102.81, from  
3 the uninsured employers fund. The report of the examination, autopsy, or opinion  
4 shall be transmitted in writing to the department division and a copy of the report  
5 shall be furnished by the department division to each party, who shall have an  
6 opportunity to rebut ~~such~~ the report on further hearing.

7 **SECTION 358.** 102.17 (1) (h) of the statutes is amended to read:

8 102.17 (1) (h) The contents of certified reports of investigation, made by  
9 industrial safety specialists who are employed, contracted, or otherwise secured by  
10 the department division and who are available for cross-examination, if served upon  
11 the parties 15 days prior to hearing, shall constitute prima facie evidence as to  
12 matter contained in those reports. A report described in this paragraph that is  
13 admitted or received into evidence by the department division constitutes  
14 substantial evidence under s. 102.23 (6) as to the matter contained in the report.

15 **SECTION 359.** 102.17 (2) of the statutes is amended to read:

16 102.17 (2) ~~If the department shall have~~ division has reason to believe that the  
17 payment of compensation has not been made, ~~it~~ the division may on its own motion  
18 give notice to the parties, in the manner provided for the service of an application,  
19 of a time and place when a hearing will be held for the purpose of determining the  
20 facts. ~~Such~~ The notice shall contain a statement of the matter to be considered.  
21 ~~Thereafter all other~~ All provisions of this chapter governing proceedings on an  
22 application shall attach apply, insofar as the same may be applicable, to a proceeding  
23 under this subsection. When the department division schedules a hearing on its own  
24 motion, the department division does not become a party in interest and is not  
25 required to appear at the hearing.