

1           \*~~0602/P4.58~~\*SECTION 2707. 101.149 (1) (ag) of the statutes is amended to  
2 read:

3           101.149 (1) (ag) “Bed and breakfast establishment” has the meaning given in  
4 s. ~~254.61 (1)~~ 97.01 (1g).

5           \*~~0602/P4.59~~\*SECTION 2708. 101.149 (1) (cm) of the statutes is amended to  
6 read:

7           101.149 (1) (cm) “Tourist rooming house” has the meaning given in s. ~~254.61~~  
8 ~~(6)~~ 97.01 (15k).

9           \*~~0602/P4.60~~\*SECTION 2709. 101.149 (5) (c) of the statutes is amended to read:

10           101.149 (5) (c) All of the fuel-burning appliances in the residential building  
11 have sealed combustion units that are inspected as provided in the rules  
12 promulgated by the department under sub. (6) (b) or in the rules promulgated by the  
13 department of ~~health services~~ under s. ~~254.74~~ 97.625 (1) (am).

14           \*~~0807/P6.243~~\*SECTION 2710. 101.149 (6) (b) of the statutes is amended to  
15 read:

16           101.149 (6) (b) The department shall promulgate rules, in consultation with  
17 the department of health services, under which the department of ~~safety and~~  
18 ~~professional services~~ shall authorize certified heating, ventilating, and air  
19 conditioning inspectors to conduct regular inspections of sealed combustion units, as  
20 required under sub. (5) (c), for carbon monoxide emissions in residential buildings  
21 other than hotels, tourist rooming houses, and bed and breakfast establishments.  
22 The rules shall specify conditions under which it may issue orders as specified under  
23 sub. (8) (a). The rules may not require the department of ~~safety and professional~~  
24 ~~services~~ to authorize inspection of sealed combustion units during the period in

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1 which the sealed combustion units are covered by a manufacturer's warranty against  
2 defects.

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as affected by 2015 Wisconsin Act ... (this act)

3 \*-0602/P4.61\*SECTION 2711. 101.149 (8) (a) of the statutes is amended to read:

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4 101.149 (8) (a) If the department of ~~safety and professional services~~ or the  
5 department of ~~health services~~ agriculture, trade and consumer protection  
6 determines after an inspection of a building under this section or s. 254.74 97.625  
7 (1g) that the owner of the building has violated sub. (2) or (3), the respective  
8 department shall issue an order requiring the person to correct the violation within  
9 5 days or within such shorter period as the respective department determines is  
10 necessary to protect public health and safety. If the person does not correct the  
11 violation within the time required, he or she shall forfeit \$50 for each day of violation  
12 occurring after the date on which the respective department finds that the violation  
13 was not corrected.

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14 \*-0807/P6.244\*SECTION 2712. 101.149 (8) (a) of the statutes is amended to  
15 read:

16 101.149 (8) (a) If the department of ~~safety and professional services~~ or the  
17 department of health services determines after an inspection of a building under this  
18 section or s. 254.74 (1g) that the owner of the building has violated sub. (2) or (3), the  
19 respective department shall issue an order requiring the person to correct the  
20 violation within 5 days or within such shorter period as the respective department  
21 determines is necessary to protect public health and safety. If the person does not  
22 correct the violation within the time required, he or she shall forfeit \$50 for each day  
23 of violation occurring after the date on which the respective department finds that  
24 the violation was not corrected.

25 \*-0807/P6.245\*SECTION 2713. 101.31 of the statutes is repealed.

1           \*~~0807/P6.246~~**SECTION 2714.** 101.573 (3) (a) of the statutes is amended to  
2 read:

3           101.573 (3) (a) On or before May 1 in each year, the department shall compile  
4 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
5 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%  
6 and certify to the secretary of administration the proper amount to be paid from the  
7 appropriation under s. ~~20.165 (2)~~ 20.142 (4) (L) to each city, village, or town entitled  
8 to fire department dues under s. 101.575. Annually, on or before August 1, the  
9 secretary of administration shall pay the amounts certified by the department to the  
10 cities, villages and towns eligible under s. 101.575.

11           \*~~0807/P6.247~~**SECTION 2715.** 101.573 (5) of the statutes is amended to read:  
12           101.573 (5) The department shall promulgate a rule defining “administrative  
13 expenses” for purposes of s. ~~20.165 (2)~~ 20.142 (4) (La).

14           \*~~0602/P4.62~~**SECTION 2716.** 101.63 (1) (intro.) of the statutes is amended to  
15 read:

16           101.63 (1) (intro.) Adopt rules which establish standards for the construction  
17 and inspection of one- and 2-family dwellings and components thereof. Where  
18 feasible, the standards used shall be those nationally recognized and shall apply to  
19 the dwelling and to its electrical, heating, ventilating, air conditioning and other  
20 systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be  
21 adopted which has not taken into account the conservation of energy in construction  
22 and maintenance of dwellings and the costs of specific code provisions to home buyers  
23 in relationship to the benefits derived from the provisions. Rules promulgated under  
24 this subsection do not apply to a bed and breakfast establishment, as defined under  
25 s. ~~254.61 (1)~~ 97.01 (1g), except that the rules apply to all of the following:

1           \*~~0602/P4.63~~\*SECTION 2717. 101.647 (1) (am) of the statutes is amended to  
2 read:

3           101.647 (1) (am) Notwithstanding s. 101.61 (1), “dwelling” does not include a  
4 tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01 (15k).

5           \*~~0807/P6.248~~\*SECTION 2718. 101.654 (1m) (e) of the statutes is amended to  
6 read:

7           101.654 (1m) (e) ~~The continuing education approved by the department under~~  
8 ~~par. (b) 1. shall include courses offered by private organizations with whom the~~  
9 ~~department contracts under s. 101.657. The department may approve continuing~~  
10 ~~education courses that are offered by other states.~~

11           \*~~0807/P6.249~~\*SECTION 2719. 101.657 of the statutes is repealed.

12           \*~~0971/P5.576~~\*SECTION 2720. 101.66 (1m) (bn) of the statutes is amended to  
13 read:

14           101.66 (1m) (bn) A person may not provide a written certification under par.  
15 (b) unless the person has been issued a certificate of accomplishment evidencing  
16 certification or recertification under ~~the a~~ a ~~lumber grading training program under~~  
17 ~~s. 36.25 (48) specified by the department~~ and the person has received the certificate  
18 within the 5 years before providing the written certification. The person shall attach  
19 to the written certification a copy of his or her certificate of accomplishment.

20           \*~~0807/P6.250~~\*SECTION 2721. 101.935 (2) (e) of the statutes is amended to  
21 read:

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

1           \*~~0602/P4.64~~\*SECTION 2722. 101.935 (2) (e) of the statutes, as affected by 2015  
2 Wisconsin Act .... (this act), is amended to read:

3           101.935 (2) (e) Section ~~254.69 (2)~~ 97.615 (2), as it applies to an agent for the  
4 department of ~~health services~~ agriculture, trade and consumer protection in the  
5 administration of s. ~~254.47~~ 97.67, applies to an agent for the department in the  
6 administration of this section.

      \*\*\*NOTE: This is reconciled s. 101.935 (2) (e). This SECTION has been affected by  
drafts with the following LRB numbers: -0602/P3 and -0807/P5.

7           \*~~0807/P6.251~~\*SECTION 2723. 101.951 (7) (a) of the statutes is amended to  
8 read:

9           101.951 (7) (a) ~~The department of safety and professional services may, without~~  
10 notice, deny the application for a license within 60 days after receipt thereof by  
11 written notice to the applicant, stating the grounds for the denial. Within 30 days  
12 after such notice, the applicant may petition the department of administration to  
13 conduct a hearing to review the denial, and a hearing shall be scheduled with  
14 reasonable promptness. The division of hearings and appeals shall conduct the  
15 hearing. This paragraph does not apply to denials of applications for licenses under  
16 s. 101.02 (21).

17          \*~~0807/P6.252~~\*SECTION 2724. 101.951 (7) (b) of the statutes is amended to  
18 read:

19          101.951 (7) (b) No license may be suspended or revoked except after a hearing  
20 thereon. ~~The department of safety and professional services shall give the licensee~~  
21 at least 5 days' notice of the time and place of the hearing. The order suspending or  
22 revoking such license shall not be effective until after 10 days' written notice thereof  
23 to the licensee, after such hearing has been had; except that the department ~~of safety~~

1 and professional services, when in its opinion the best interest of the public or the  
2 trade demands it, may suspend a license upon not less than 24 hours' notice of  
3 hearing and with not less than 24 hours' notice of the suspension of the license.  
4 Matters involving suspensions and revocations brought before the department of  
5 safety and professional services shall be heard and decided upon by the department  
6 of administration. The division of hearings and appeals shall conduct the hearing.  
7 This paragraph does not apply to licenses that are suspended or revoked under s.  
8 101.02 (21).

9 \*~~0807/P6.253~~ SECTION 2725. 101.951 (7) (c) of the statutes is amended to  
10 read:

11 101.951 (7) (c) The department of safety and professional services may inspect  
12 the pertinent books, records, letters and contracts of a licensee. The actual cost of  
13 each such examination shall be paid by such licensee so examined within 30 days  
14 after demand therefor by the department, and the department may maintain an  
15 action for the recovery of such costs in any court of competent jurisdiction.

16 \*~~0807/P6.254~~ SECTION 2726. 101.953 (1) (a) of the statutes is amended to  
17 read:

18 101.953 (1) (a) A statement that the manufactured home meets those  
19 standards prescribed by law or administrative rule of the department of  
20 administration or of the department of safety and professional services that are in  
21 effect at the time of the manufacture of the manufactured home.

22 \*~~0807/P6.255~~ SECTION 2727. 101.973 (8) of the statutes is amended to read:

23 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the  
24 appropriation under s. ~~20.165 (2)~~ 20.142 (4) (j).

1           \*~~0971/P5.577~~\*SECTION 2728. 101.977 (2) (bn) of the statutes is amended to  
2 read:

3           101.977 (2) (bn) A person may not provide a written certification under par. (b)  
4 unless the person has been issued a certificate of accomplishment evidencing  
5 certification or recertification under ~~the a~~ a lumber grading training program ~~under~~  
6 ~~s. 36.25 (48) specified by the department~~ and the person has received the certificate  
7 within the 5 years before providing the written certification. The person shall attach  
8 to the written certification a copy of his or her certificate of accomplishment.

9           \*~~0610/P3.27~~\*SECTION 2729. 102.01 (2) (a) of the statutes is renumbered  
10 102.01 (2) (af).

11           \*~~0610/P3.28~~\*SECTION 2730. 102.01 (2) (ad) of the statutes is created to read:  
12 102.01 (2) (ad) “Administrator” means the administrator of the division of  
13 hearings and appeals in the department of administration.

14           \*~~0610/P3.29~~\*SECTION 2731. 102.01 (2) (ag) of the statutes is amended to read:  
15 102.01 (2) (ag) “Commissioner” means ~~a member of the commission~~ the  
16 commissioner of insurance.

17           \*~~0610/P3.30~~\*SECTION 2732. 102.01 (2) (ap) of the statutes is repealed.

18           \*~~0610/P3.31~~\*SECTION 2733. 102.01 (2) (ar) of the statutes is created to read:  
19 102.01 (2) (ar) “Division” means the division of hearings and appeals in the  
20 department of administration.

21           \*~~0610/P3.32~~\*SECTION 2734. 102.01 (2) (bm) of the statutes is amended to  
22 read:

23           102.01 (2) (bm) “General order” means ~~such order as~~ an order that applies  
24 generally throughout the state to all persons, employments, places of employment,  
25 or public buildings, or to all persons, employments ~~or~~, places of employment, or public

1 buildings of a class under the jurisdiction of the department office. All other orders  
2 of the department office shall be considered special orders.

3 **\*-1461/P2.226\*SECTION 2735.** 102.01 (2) (d) of the statutes is amended to  
4 read:

5 102.01 (2) (d) “Municipality” includes a county, city, town, village, school  
6 district, sewer district, drainage district and ~~long-term care district~~ and other public  
7 or quasi-public corporations.

8 **\*-0610/P3.33\*SECTION 2736.** 102.01 (2) (dg) of the statutes is created to read:  
9 102.01 (2) (dg) “Office” means the office of the commissioner.

10 **\*-0610/P3.34\*SECTION 2737.** 102.01 (2) (dm) of the statutes is amended to  
11 read:

12 102.01 (2) (dm) “Order” means any decision, rule, regulation, direction,  
13 requirement, or standard of the department office, or any other determination  
14 arrived at or decision made by the department office.

15 **\*-0610/P3.35\*SECTION 2738.** 102.01 (2) (em) of the statutes is repealed.

16 **\*-1461/P2.227\*SECTION 2739.** 102.04 (1) (a) of the statutes is amended to read:

17 102.04 (1) (a) The state, each county, city, town, village, school district, sewer  
18 district, drainage district, ~~long-term care district~~ and other public or quasi-public  
19 corporations therein.

20 **\*-0610/P3.36\*SECTION 2740.** 102.05 (1) of the statutes is amended to read:

21 102.05 (1) An employer who has had no employee at any time within a  
22 continuous period of 2 years shall be ~~deemed~~ considered to have effected withdrawal,  
23 which shall be effective on the last day of such that period. An employer who has not  
24 usually employed 3 employees and who has not paid wages of at least \$500 for  
25 employment in this state in every calendar quarter in a calendar year may file a



1 withdrawal notice with the ~~department~~ office, which withdrawal shall take effect 30  
2 days after the date of ~~such~~ that filing or at such later date as is specified in the notice.  
3 If an employer who is subject to this chapter only because the employer elected to  
4 become subject to this chapter under sub. (2) cancels or terminates his or her contract  
5 for the insurance of compensation under this chapter, that employer is ~~deemed~~  
6 considered to have effected withdrawal, which shall be effective on the day after the  
7 contract is canceled or terminated.

8 \*~~0610/P3.37~~\*SECTION 2741. 102.05 (3) of the statutes is amended to read:

9 102.05 (3) ~~Any~~ If a person engaged in farming who has become subject to this  
10 chapter has not employed 6 or more employees, as defined in s. 102.07 (5), on 20 or  
11 more days during the current or previous calendar year, the person may withdraw  
12 by filing with the department office a notice of withdrawal, if the person has not  
13 employed 6 or more employees as defined by s. 102.07 (5) on 20 or more days during  
14 the current or previous calendar year. Such ~~which~~ withdrawal shall be effective take  
15 effect 30 days after the date of receipt of the notice by the department, office or at such  
16 later date as is specified in the notice. Such ~~A~~ A person who withdraws under this  
17 subsection may again become subject to this chapter as provided by in s. 102.04 (1)  
18 (c) and (e).

19 \*~~0610/P3.38~~\*SECTION 2742. 102.06 of the statutes is amended to read:

20 **102.06 Joint liability of employer and contractor.** An employer shall be  
21 liable for compensation to an employee of a contractor or subcontractor under the  
22 employer who is not subject to this chapter, or who has not complied with the  
23 conditions of s. 102.28 (2) in any case ~~where such~~ in which the employer would have  
24 been liable for compensation if ~~such~~ the employee had been working directly for the  
25 employer, including also work in the erection, alteration, repair, or demolition of

1 improvements or of fixtures upon premises of ~~such~~ the employer ~~which~~ that are used  
2 or to be used in the operations of ~~such~~ the employer. The contractor or subcontractor,  
3 if subject to this chapter, shall also be liable for ~~such~~ that compensation, but the  
4 employee shall not recover compensation for the same injury from more than one  
5 party. ~~The~~ An employer who becomes liable for and who pays ~~such~~ that compensation  
6 may recover the ~~same~~ amount of compensation paid from ~~such~~ that contractor, or  
7 subcontractor, or from any other employer for whom the employee was working at  
8 the time of the injury, if ~~such~~ that contractor, subcontractor, or other employer was  
9 an employer, as defined in s. 102.04. This section does not apply to injuries occurring  
10 on or after the first day of the first July beginning after the day that on which the  
11 secretary commissioner files the certificate under s. 102.80 (3) (a), except that if the  
12 secretary commissioner files the certificate under s. 102.80 (3) (ag) this section does  
13 apply to claims for compensation filed on or after the date specified in that certificate.

14 \*~~0610/P3.39~~SECTION 2743. 102.07 (1) (a) of the statutes is amended to read:

15 102.07 (1) (a) Every person, including all officials, in the service of the state,  
16 or of any municipality ~~therein~~ in this state, whether elected or under any  
17 appointment, or contract of hire, express or implied, and whether a resident of this  
18 state or employed or injured within or without the state. The state ~~and~~ or any  
19 municipality may require a bond from a contractor to protect the state or  
20 municipality against compensation to employees of ~~such~~ the contractor or employees  
21 of a subcontractor under the contractor. This paragraph does not apply beginning  
22 on the first day of the first July beginning after the day that on which the secretary  
23 commissioner files the certificate under s. 102.80 (3) (a), except that if the secretary  
24 commissioner files the certificate under s. 102.80 (3) (ag) this paragraph does apply  
25 to claims for compensation filed on or after the date specified in that certificate.

1           \*~~0610/P3.40~~\*SECTION 2744. 102.07 (1) (b) of the statutes is amended to read:

2           102.07 (1) (b) Every person, including all officials, in the service of the state,  
3 or of any municipality ~~therein~~ in this state, whether elected or under any  
4 appointment, or contract of hire, express or implied, and whether a resident of this  
5 state or employed or injured within or without the state. This paragraph first applies  
6 on the first day of the first July beginning after the day ~~that~~ on which the secretary  
7 commissioner files the certificate under s. 102.80 (3) (a), except that if the secretary  
8 commissioner files the certificate under s. 102.80 (3) (ag) this paragraph does apply  
9 to claims for compensation filed on or after the date specified in that certificate.

10          \*~~0610/P3.41~~\*SECTION 2745. 102.07 (7) (b) of the statutes is amended to read:

11          102.07 (7) (b) The ~~department~~ office may issue an order under s. 102.31 (1) (b)  
12 permitting the county within which a volunteer fire company or fire department  
13 organized under ch. 213, a legally organized rescue squad, an ambulance service  
14 provider, as defined in s. 256.01 (3), or a legally organized diving team is organized  
15 to assume full liability for the compensation provided under this chapter of all  
16 volunteer members of that company, department, squad, provider or team.

17          \*~~0610/P3.42~~\*SECTION 2746. 102.07 (8) (c) of the statutes is amended to read:

18          102.07 (8) (c) The ~~department~~ office may not admit in evidence any state or  
19 federal laws, regulations, ~~documents~~ law, regulation, or document granting  
20 operating authority, or licenses license when determining whether an independent  
21 contractor meets the conditions specified in par. (b) 1. or 3.

22          \*~~0610/P3.43~~\*SECTION 2747. 102.07 (11) of the statutes is amended to read:

23          102.07 (11) The ~~department~~ office may by rule prescribe classes of volunteer  
24 workers who may, at the election of the person for whom the service is being  
25 performed, be deemed considered to be employees for the purposes of this chapter.

1 Election shall be by endorsement upon ~~the~~ that person's worker's compensation  
2 insurance policy with written notice to the ~~department~~ office. In the case of an  
3 employer that is exempt from insuring liability, election shall be by written notice to  
4 the ~~department~~ office. The ~~department~~ office shall by rule prescribe the means and  
5 manner in which notice of election by the employer is to be provided to the volunteer  
6 workers.

7 \*~~0921/P1.1~~\*SECTION 2748. 102.07 (12m) of the statutes is renumbered 102.07  
8 (12m) (b) and amended to read:

9 102.07 (12m) (b) A student of a public school, ~~as described in s. 115.01 (1), or~~  
10 a private school, ~~as defined in s. 115.001 (3r), or an institution of higher education,~~  
11 while he or she is engaged in performing services as part of a school work training,  
12 work experience, or work study program, and who is not on the payroll of an employer  
13 that is providing the work training or work experience or who is not otherwise  
14 receiving compensation on which a worker's compensation carrier could assess  
15 premiums on that employer, is an employee of a school district ~~or~~, private school, or  
16 institution of higher education that elects under s. 102.077 to name the student as  
17 its employee.

18 \*~~0921/P1.2~~\*SECTION 2749. 102.07 (12m) (a) of the statutes is created to read:

19 102.07 (12m) (a) In this subsection:

20 1. "Institution of higher education" means an institution within the University  
21 of Wisconsin System, a technical college, a tribally controlled college controlled by  
22 an Indian tribe that has elected under s. 102.05 (2) to become subject to this chapter,  
23 a school approved under s. 38.50, or a private, nonprofit institution of higher  
24 education located in this state.

25 2. "Private school" has the meaning given in s. 115.001 (3r).

1 3. “Public school” means a school described in s. 115.01 (1).

2 ~~\*-0610/P3.44\*~~SECTION 2750. 102.076 (2) of the statutes is amended to read:

3 102.076 (2) If a corporation has not more than 10 stockholders, not more than  
4 2 officers, and no other employees and is not otherwise required under this chapter  
5 to have a policy of worker’s compensation insurance, an officer of that corporation  
6 who elects not to be subject to this chapter shall file a notice of that election with the  
7 ~~department~~ office on a form approved by the ~~department~~ office. The election is  
8 effective until the officer rescinds it the election by notifying the ~~department~~ office  
9 in writing.

10 ~~\*-0921/P1.3\*~~SECTION 2751. 102.077 (1) of the statutes is amended to read:

11 102.077 (1) A school district ~~or a~~, private school, as defined in s. 115.001 (3r),  
12 or institution of higher education may elect to name as its employee for purposes of  
13 this chapter a student described in s. 102.07 (12m) (b) by an endorsement on its policy  
14 of worker’s compensation insurance or, if the school district ~~or~~, private school, or  
15 institution of higher education is exempt from the duty to insure under s. 102.28 (2)  
16 (a), by filing a declaration with the department in the manner provided in s. 102.31  
17 (2) (a) naming the student as an employee of the school district ~~or~~, private school, or  
18 institution of higher education for purposes of this chapter. A declaration under this  
19 subsection shall list the name of the student to be covered under this chapter, the  
20 name and address of the employer that is providing the work training or work  
21 experience for that student, and the title, if any, of the work training, work  
22 experience, or work study program in which the student is participating.

23 ~~\*-0610/P3.45\*~~SECTION 2752. 102.077 (1) of the statutes, as affected by 2015

24 Wisconsin Act .... (this act), is amended to read:

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1           102.077 (1) A school district, private school, or institution of higher education  
2 may elect to name as its employee for purposes of this chapter a student described  
3 in s. 102.07 (12m) (b) by an endorsement on its policy of worker's compensation  
4 insurance or, if the school district, private school, or institution of higher education  
5 is exempt from the duty to insure under s. 102.28 (2) (a), by filing a declaration with  
6 the ~~department~~ office in the manner provided in s. 102.31 (2) (a) naming the student  
7 as an employee of the school district, private school, or institution of higher education  
8 for purposes of this chapter. A declaration under this subsection shall list the name  
9 of the student to be covered under this chapter, the name and address of the employer  
10 that is providing the work training or work experience for that student, and the title,  
11 if any, of the work training, work experience, or work study program in which the  
12 student is participating.

      \*\*\*\*NOTE: This is reconciled s. 102.077 (1). This SECTION has been affected by drafts  
with the following LRB numbers: -0610/P2 and LRB-0921/P1.

13           \*~~-0921/P1.4~~\*SECTION 2753. 102.077 (2) of the statutes is amended to read:

14           102.077 (2) A school district ~~or~~, private school, or institution of higher  
15 education may revoke a declaration under sub. (1) by providing written notice to the  
16 department in the manner provided in s. 102.31 (2) (a), the student, and the employer  
17 who is providing the work training or work experience for that student. A revocation  
18 under this subsection is effective 30 days after the department receives notice of that  
19 revocation.

20           \*~~-0610/P3.46~~\*SECTION 2754. 102.077 (2) of the statutes, as affected by 2015  
21 Wisconsin Act .... (this act), is amended to read:

22           102.077 (2) A school district, private school, or institution of higher education  
23 may revoke a declaration under sub. (1) by providing written notice to the

1 department office in the manner provided in s. 102.31 (2) (a), the student, and the  
2 employer who is providing the work training or work experience for that student.  
3 A revocation under this subsection is effective 30 days after the department office  
4 receives notice of that revocation.

\*\*\*\*NOTE: This is reconciled s.102.077 (2). This SECTION has been affected by drafts  
with the following LRB numbers: -0610/P2 and LRB-0921/P1.

5 **\*-0610/P3.47\*SECTION 2755.** 102.08 of the statutes is amended to read:

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

19 **\*-0610/P3.48\*SECTION 2756.** 102.11 (1) (am) 1. of the statutes is amended to  
20 read:

21 102.11 (1) (am) 1. The employee is a member of a class of employees that does  
22 the same type of work at the same location and, in the case of an employee in the  
23 service of the state, is employed in the same office, department, independent agency,

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1 authority, institution, association, society, or other body in state government or, if the  
2 department office determines appropriate, in the same subunit of an office,  
3 department, independent agency, authority, institution, association, society, or other  
4 body in state government.

5 \*~~0610/P3.49~~SECTION 2757. 102.12 of the statutes is amended to read:

6 **102.12 Notice of injury, exception, laches.** No claim for compensation may  
7 be maintained unless, within 30 days after the occurrence of the injury or within 30  
8 days after the employee knew or ought to have known the nature of his or her  
9 disability and its relation to the employment, actual notice was received by the  
10 employer or by an officer, manager, or designated representative of an employer. If  
11 no representative has been designated by posters placed in one or more conspicuous  
12 places where notices to employees are customarily posted, then notice received by  
13 any superior is sufficient. Absence of notice does not bar recovery if it is found that  
14 the employer was not misled ~~thereby~~ by that absence. Regardless of whether notice  
15 was received, if no payment of compensation, other than medical treatment or burial  
16 expense, is made, ~~and~~ and if no application is filed with the ~~department~~ office within  
17 2 years ~~from~~ after the date of the injury or death, ~~or from~~ or the date the employee  
18 or his or her dependent knew or ought to have known the nature of the disability and  
19 its relation to the employment, the right to compensation ~~therefor~~ for the injury or  
20 death is barred, except that the right to compensation is not barred if the employer  
21 knew or should have known, within the 2-year period, that the employee had  
22 sustained the injury on which the claim is based. Issuance of notice of a hearing on  
23 the ~~department's~~ division's own motion has the same effect for the purposes of this  
24 section as the filing of an application. This section does not affect any claim barred  
25 under s. 102.17 (4).



1           \*~~0610/P3.50~~SECTION 2758. 102.125 of the statutes is amended to read:

2           **102.125 Fraudulent claims reporting and investigation.** If an insurer or  
3 self-insured employer has evidence that a claim is false or fraudulent in violation of  
4 s. 943.395 and if the insurer or self-insured employer is satisfied that reporting the  
5 claim to the ~~department~~ office will not impede its ability to defend the claim, the  
6 insurer or self-insured employer shall report the claim to the ~~department~~ office. The  
7 ~~department~~ office may require an insurer or self-insured employer to investigate an  
8 allegedly false or fraudulent claim and may provide the insurer or self-insured  
9 employer with any records of the ~~department~~ office relating to that claim. An insurer  
10 or self-insured employer that investigates a claim under this section shall report on  
11 the results of that investigation to the ~~department~~ office. If based on the  
12 investigation the ~~department~~ office has a reasonable basis to believe that a violation  
13 of s. 943.395 has occurred, the ~~department~~ office shall refer the results of the  
14 investigation to the district attorney of the county in which the alleged violation  
15 occurred for prosecution.

16           \*~~0610/P3.51~~SECTION 2759. 102.13 (1) (c) of the statutes is amended to read:

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

1           \*~~0610/P3.52~~\*SECTION 2760. 102.13 (1) (d) 2. of the statutes is amended to  
2 read:

3           102.13 (1) (d) 2. Any physician, chiropractor, psychologist, dentist, physician  
4 assistant, advanced practice nurse prescriber, or podiatrist who attended a worker's  
5 compensation claimant for any condition or complaint reasonably related to the  
6 condition for which the claimant claims compensation may be required to testify  
7 before the ~~department~~ division when the ~~department~~ division so directs.

8           \*~~0610/P3.53~~\*SECTION 2761. 102.13 (1) (d) 3. of the statutes is amended to  
9 read:

10           102.13 (1) (d) 3. Notwithstanding any statutory provisions except par. (e), any  
11 physician, chiropractor, psychologist, dentist, physician assistant, advanced  
12 practice nurse prescriber, or podiatrist attending a worker's compensation claimant  
13 for any condition or complaint reasonably related to the condition for which the  
14 claimant claims compensation may furnish to the employee, employer, worker's  
15 compensation insurer, ~~or the department~~ the office, or the division information and  
16 reports relative to a compensation claim.

17           \*~~0610/P3.54~~\*SECTION 2762. 102.13 (1) (f) of the statutes is amended to read:

18           102.13 (1) (f) If an employee claims compensation under s. 102.81 (1), the  
19 ~~department~~ office may require the employee to submit to physical or vocational  
20 examinations under this subsection.

21           \*~~0610/P3.55~~\*SECTION 2763. 102.13 (2) (a) of the statutes is amended to read:

22           102.13 (2) (a) An employee who reports an injury alleged to be work-related  
23 or who files an application for hearing waives any physician-patient,  
24 psychologist-patient or chiropractor-patient privilege with respect to any condition  
25 or complaint reasonably related to the condition for which the employee claims

1 compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any  
2 physician, chiropractor, psychologist, dentist, podiatrist, physician assistant,  
3 advanced practice nurse prescriber, hospital, or health care provider shall, within a  
4 reasonable time after written request by the employee, employer, worker's  
5 compensation insurer, ~~or department office, or division,~~ or its representative, provide  
6 that person with any information or written material reasonably related to any  
7 injury for which the employee claims compensation.

8 \*~~0610/P3.56~~SECTION 2764. 102.13 (2) (c) of the statutes is amended to read:

9 102.13 (2) (c) Except as provided in this paragraph, if an injured employee has  
10 a period of temporary disability that exceeds 3 weeks or a permanent disability, if the  
11 injured employee has undergone surgery to treat his or her injury, other than surgery  
12 to correct a hernia, or if the injured employee sustained an eye injury requiring  
13 medical treatment on 3 or more occasions off the employer's premises, the  
14 department office may by rule require the insurer or self-insured employer to submit  
15 to the department office a final report of the employee's treating practitioner. The  
16 department office may not require an insurer or self-insured employer to submit to  
17 the department office a final report of an employee's treating practitioner when the  
18 insurer or self-insured employer denies the employee's claim for compensation and  
19 the employee does not contest that denial. A treating practitioner may charge a  
20 reasonable fee for the completion of the final report, but may not require prepayment  
21 of that fee. An insurer or self-insured employer that disputes the reasonableness of  
22 a fee charged for the completion of a treatment practitioner's final report may submit  
23 that dispute to the department office for resolution under s. 102.16 (2).

24 \*~~0610/P3.57~~SECTION 2765. 102.13 (3) of the statutes is amended to read:

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1           102.13 (3) If 2 or more physicians, chiropractors, psychologists, dentists or  
2           podiatrists disagree as to the extent of an injured employee's temporary disability,  
3           the end of an employee's healing period, an employee's ability to return to work at  
4           suitable available employment, or the necessity for further treatment or for a  
5           particular type of treatment, the department division may appoint another  
6           physician, chiropractor, psychologist, dentist or podiatrist to examine the employee  
7           and render an opinion as soon as possible. The department division shall promptly  
8           notify the parties of this appointment. If the employee has not returned to work,  
9           payment for temporary disability shall continue until the department division  
10          receives the opinion. The employer or its insurance carrier or both shall pay for the  
11          examination and opinion. The employer or insurance carrier or both shall receive  
12          appropriate credit for any overpayment to the employee determined by the  
13          department division after receipt of the opinion.

14           \*~~0610/P3.58~~SECTION 2766. 102.13 (4) of the statutes is amended to read:

15           102.13 (4) ~~The rights of employees~~ right of an employee to begin or maintain  
16          proceedings for the collection of compensation and to receive weekly indemnities  
17          ~~which that~~ accrue and become payable shall not be suspended or barred under sub.  
18          (1) when ~~an~~ the employee refuses to submit to a physical examination, upon the  
19          request of the employer or worker's compensation insurer or at the direction of the  
20          department division or an examiner, ~~which that~~ would require the employee to travel  
21          a distance of 100 miles or more from his or her place of residence, unless the employee  
22          has claimed compensation for treatment from a practitioner whose office is located  
23          100 miles or more from the employee's place of residence or the department division  
24          or examiner determines that any other circumstances warrant the examination. If  
25          the employee has claimed compensation for treatment from a practitioner whose

1 office is located 100 miles or more from the employee's place of residence, the  
2 employer or insurer may request, or the department division or an examiner may  
3 direct, the employee to submit to a physical examination in the area where the  
4 employee's treatment practitioner is located.

5 **\*-0610/P3.59\*SECTION 2767.** 102.13 (5) of the statutes is amended to read:

6 102.13 (5) The department division may refuse to receive testimony as to  
7 conditions determined from an autopsy if it appears that the party offering the  
8 testimony had procured the autopsy and had failed to make reasonable effort to  
9 notify at least one party in adverse interest or the department division at least 12  
10 hours before the autopsy of the time and place it at which the autopsy would be  
11 performed, or that the autopsy was performed by or at the direction of the coroner  
12 or medical examiner or at the direction of the district attorney for purposes not  
13 authorized by under ch. 979. The department division may withhold findings until  
14 an autopsy is held in accordance with its directions.

15 **\*-0610/P3.60\*SECTION 2768.** 102.14 (title) of the statutes is amended to read:

16 **102.14 (title) Jurisdiction of department office; advisory committee.**

17 **\*-0610/P3.61\*SECTION 2769.** 102.14 (1) of the statutes is amended to read:

18 102.14 (1) This Except as otherwise provided, this chapter shall be  
19 administered by the department office.

20 **\*-0610/P3.62\*SECTION 2770.** 102.14 (2) of the statutes is amended to read:

21 102.14 (2) The council on worker's compensation shall advise the department  
22 office in carrying out the purposes of this chapter.—~~Such council~~, shall submit its  
23 recommendations with respect to amendments to this chapter to each regular  
24 session of the legislature, and shall report its views upon any pending bill relating  
25 to this chapter to the proper legislative committee. At the request of the chairpersons

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1 of the senate and assembly committees on labor, the ~~department~~ office shall schedule  
2 a meeting of the council with the members of the senate and assembly committees  
3 on labor to review and discuss matters of legislative concern arising under this  
4 chapter.

5 \*~~0610/P3.63~~\*SECTION 2771. 102.15 (1) of the statutes is amended to read:

6 102.15 (1) Subject to this chapter, the department division may adopt its own  
7 rules of procedure and may change the same from time to time.

8 \*~~0610/P3.64~~\*SECTION 2772. 102.15 (2) of the statutes is amended to read:

9 102.15 (2) The department division may provide by rule the conditions under  
10 which transcripts or electronic recordings of testimony and proceedings shall be  
11 furnished.

12 \*~~0610/P3.65~~\*SECTION 2773. 102.15 (3) of the statutes is amended to read:

13 102.15 (3) All testimony at any hearing held under this chapter shall be ~~taken~~  
14 ~~down by a stenographic reporter, except that in case of an emergency, as determined~~  
15 ~~by recorded by electronic means. That testimony need not be transcribed, unless the~~  
16 ~~examiner conducting the hearing, testimony may be recorded by a recording machine~~  
17 orders otherwise. The division shall furnish a copy of an electronic recording made  
18 under this subsection or a transcript ordered under this subsection to the parties  
19 upon payment of any fee required by the division by rule.

20 \*~~0610/P3.66~~\*SECTION 2774. 102.16 (1) of the statutes is amended to read:

21 102.16 (1) Any controversy concerning compensation or a violation of sub. (3),  
22 including ~~controversies~~ a controversy in which the state may be a party, shall be  
23 submitted to the department division in the manner and with the effect provided in  
24 this chapter. ~~Every compromise of any claim for compensation may be reviewed and~~  
25 ~~set aside, modified or confirmed by the department within~~ Within one year from after

1 the date ~~the~~ on which a compromise of any claim for compensation is filed with the  
2 department, ~~or from~~ division or the date on which an award has been entered, based  
3 thereon, ~~or the department may take that action based on a compromise, the~~  
4 division, on its own motion or upon application made within ~~one year~~ that period,  
5 may review and set aside, modify, or confirm the compromise. Unless the word  
6 “compromise” appears in a stipulation of settlement, the settlement shall not be  
7 deemed considered a compromise, and further claim is not barred except as provided  
8 in s. 102.17 (4) regardless of whether an award is made. The employer, insurer, or  
9 dependent under s. 102.51 (5) shall have equal rights with the employee to have  
10 review of a compromise or any other stipulation of settlement reviewed under this  
11 subsection. Upon petition filed with the department division, the department  
12 division may set aside the award or otherwise determine the rights of the parties.

13 \*~~0610/P3.67~~SECTION 2775. 102.16 (1m) (a) of the statutes is amended to  
14 read:

15 102.16 (1m) (a) If an insurer or self-insured employer concedes by compromise  
16 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
17 employer is liable under this chapter for any health services provided to an injured  
18 employee by a health service provider, but disputes the reasonableness of the fee  
19 charged by the health service provider, the department division may include in its  
20 order confirming the compromise or stipulation a determination made by the office  
21 under sub. (2) as to the reasonableness of the fee or ~~the department, if such a~~  
22 determination has not yet been made, the division may notify, or direct the insurer  
23 or self-insured employer to notify, the health service provider under sub. (2) (b) that  
24 the reasonableness of the fee is in dispute. ~~The department shall deny payment of~~  
25 ~~a health service fee that the department determines under this paragraph to be~~

1 ~~unreasonable. A health service provider and an insurer or self-insured employer~~  
2 ~~that are parties to a fee dispute under this paragraph are bound by the department's~~  
3 ~~determination under this paragraph on the reasonableness of the disputed fee,~~  
4 ~~unless that determination is set aside, reversed, or modified by the department~~  
5 ~~under sub. (2) (f) or is set aside on judicial review as provided in sub. (2) (f).~~

6 \*~~0610/P3.68~~SECTION 2776. 102.16 (1m) (b) of the statutes is amended to  
7 read:

8 102.16 (1m) (b) If an insurer or self-insured employer concedes by compromise  
9 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
10 employer is liable under this chapter for any treatment provided to an injured  
11 employee by a health service provider, but disputes the necessity of the treatment,  
12 the department division may include in its order confirming the compromise or  
13 stipulation a determination made by the office under sub. (2m) as to the necessity of  
14 the treatment or ~~the department, if such a determination has not yet been made, the~~  
15 division may notify, or direct the insurer or self-insured employer to notify, the  
16 health service provider under sub. (2m) (b) that the necessity of the treatment is in  
17 dispute. ~~Before determining under this paragraph the necessity of treatment~~  
18 ~~provided to an injured employee, the department may, but is not required to, obtain~~  
19 ~~the opinion of an expert selected by the department who is qualified as provided in~~  
20 ~~sub. (2m) (c). The standards promulgated under sub. (2m) (g) shall be applied by an~~  
21 ~~expert and by the department in rendering an opinion as to, and in determining,~~  
22 ~~necessity of treatment under this paragraph. In cases in which no standards~~  
23 ~~promulgated under sub. (2m) (g) apply, the department shall find the facts regarding~~  
24 ~~necessity of treatment. The department shall deny payment for any treatment that~~  
25 ~~the department determines under this paragraph to be unnecessary. A health~~



1 ~~service provider and an insurer or self-insured employer that are parties to a dispute~~  
2 ~~under this paragraph over the necessity of treatment are bound by the department's~~  
3 ~~determination under this paragraph on the necessity of the disputed treatment,~~  
4 ~~unless that determination is set aside, reversed, or modified by the department~~  
5 ~~under sub. (2m) (e) or is set aside on judicial review as provided in sub. (2m) (e).~~

6 \*~~0610/P3.69~~SECTION 2777. 102.16 (1m) (c) of the statutes is amended to  
7 read:

8 102.16 (1m) (c) If an insurer or self-insured employer concedes by compromise  
9 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
10 employer is liable under this chapter for the cost of a prescription drug dispensed  
11 under s. 102.425 (2) for outpatient use by an injured employee, but disputes the  
12 reasonableness of the amount charged for the prescription drug, the department  
13 division may include in its order confirming the compromise or stipulation a  
14 determination made by the office under s. 102.425 (4m) as to the reasonableness of  
15 the prescription drug charge ~~or the department, if such a determination has not yet~~  
16 been made, the division may notify, or direct the insurer or self-insured employer to  
17 notify, the pharmacist or practitioner dispensing the prescription drug under s.  
18 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in  
19 dispute. ~~The department shall deny payment of a prescription drug charge that the~~  
20 ~~department determines under this paragraph to be unreasonable. A pharmacist or~~  
21 ~~practitioner and an insurer or self-insured employer that are parties to a dispute~~  
22 ~~under this paragraph over the reasonableness of a prescription drug charge are~~  
23 ~~bound by the department's determination under this paragraph on the~~  
24 ~~reasonableness of the disputed prescription drug charge, unless that determination~~

1 is set aside, reversed, or modified by the department under s. 102.425 (4m) (e) or is  
2 set aside on judicial review as provided in s. 102.425 (4m) (e).

3 \***-0610/P3.70**\*SECTION 2778. 102.16 (2) (a) of the statutes is amended to read:

4 102.16 (2) (a) Except as provided in this paragraph, the department office has  
5 jurisdiction ~~under this subsection, sub. (1m) (a), and s. 102.17~~ to resolve a dispute  
6 between a health service provider and an insurer or self-insured employer over the  
7 reasonableness of a fee charged by the health service provider for health services  
8 provided to an injured employee who claims benefits under this chapter. A health  
9 service provider may not submit a fee dispute to the department office under this  
10 subsection before all treatment by the health service provider of the employee's  
11 injury has ended if the amount in controversy, whether based on a single charge or  
12 a combination of charges for one or more days of service, is less than \$25. After all  
13 treatment by a health service provider of an employee's injury has ended, the health  
14 service provider may submit any fee dispute to the department office, regardless of  
15 the amount in controversy. The department office shall deny payment of a health  
16 service fee that the department office determines under this subsection to be  
17 unreasonable.

18 \***-0610/P3.71**\*SECTION 2779. 102.16 (2) (am) of the statutes is amended to  
19 read:

20 102.16 (2) (am) A health service provider and an insurer or self-insured  
21 employer that are parties to a fee dispute under this subsection are bound by the  
22 department's office's determination under this subsection on the reasonableness of  
23 the disputed fee, unless that determination is set aside on judicial review as provided  
24 in par. (f).

25 \***-0610/P3.72**\*SECTION 2780. 102.16 (2) (b) of the statutes is amended to read:

1           102.16 (2) (b) An insurer or self-insured employer that disputes the  
2           reasonableness of a fee charged by a health service provider or the department office  
3           under sub. (1m) (a) or s. 102.18 (1) (bg) 1. shall provide reasonable written notice to  
4           the health service provider that the fee is being disputed. After receiving reasonable  
5           written notice under this paragraph or under sub. (1m) (a) or s. 102.18 (1) (bg) 1. that  
6           a health service fee is being disputed, a health service provider may not collect the  
7           disputed fee from, or bring an action for collection of the disputed fee against, the  
8           employee who received the services for which the fee was charged.

9           \*~~0610/P3.73~~SECTION 2781. 102.16 (2) (c) of the statutes is amended to read:

10          102.16 (2) (c) After a fee dispute is submitted to the department office, the  
11          insurer or self-insured employer that is a party to the dispute shall provide to the  
12          department office information on that fee and information on fees charged by other  
13          health service providers for comparable services. The insurer or self-insured  
14          employer shall obtain the information on comparable fees from a database that is  
15          certified by the department office under par. (h). Except as provided in par. (e) 1., if  
16          the insurer or self-insured employer does not provide the information required  
17          under this paragraph, the department office shall determine that the disputed fee  
18          is reasonable and order that it be paid. If the insurer or self-insured employer  
19          provides the information required under this paragraph, the department office shall  
20          use that information to determine the reasonableness of the disputed fee.

21          \*~~0610/P3.74~~SECTION 2782. 102.16 (2) (d) of the statutes is amended to read:

22          102.16 (2) (d) The department office shall analyze the information provided to  
23          the department office under par. (c) according to the criteria provided in this  
24          paragraph to determine the reasonableness of the disputed fee. Except as provided  
25          in 2011 Wisconsin Act 183, section 30 (2) (b), the department office shall determine

1 that a disputed fee is reasonable and order that the disputed fee be paid if that fee  
2 is at or below the mean fee for the health service procedure for which the disputed  
3 fee was charged, plus 1.2 standard deviations from that mean, as shown by data from  
4 a database that is certified by the department office under par. (h). Except as  
5 provided in 2011 Wisconsin Act 183, section 30 (2) (b), the department office shall  
6 determine that a disputed fee is unreasonable and order that a reasonable fee be paid  
7 if the disputed fee is above the mean fee for the health service procedure for which  
8 the disputed fee was charged, plus 1.2 standard deviations from that mean, as shown  
9 by data from a database that is certified by the department office under par. (h),  
10 unless the health service provider proves to the satisfaction of the department office  
11 that a higher fee is justified because the service provided in the disputed case was  
12 more difficult or more complicated to provide than in the usual case.

13 **\*-0610/P3.75\*SECTION 2783.** 102.16 (2) (e) 1. of the statutes is amended to  
14 read:

15 102.16 (2) (e) 1. Subject to subd. 2., if an insurer or self-insured employer that  
16 disputes the reasonableness of a fee charged by a health service provider cannot  
17 provide information on fees charged by other health service providers for comparable  
18 services because the database to which the insurer or self-insured employer  
19 subscribes is not able to provide accurate information for the health service  
20 procedure at issue, the department office may use any other information that the  
21 department office considers to be reliable and relevant to the disputed fee to  
22 determine the reasonableness of the disputed fee.

23 **\*-0610/P3.76\*SECTION 2784.** 102.16 (2) (e) 2. of the statutes is amended to  
24 read:

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

4           \*~~-0610/P3.77~~\*SECTION 2785. 102.16 (2) (f) of the statutes is amended to read:

5           102.16 (2) (f) Within 30 days after a determination under this subsection, the  
6 ~~department~~ office may set aside, reverse, or modify the determination for any reason  
7 that the ~~department~~ office considers sufficient. Within 60 days after a determination  
8 under this subsection, the ~~department~~ office may set aside, reverse, or modify the  
9 determination on grounds of mistake. A health service provider, insurer, or  
10 self-insured employer that is aggrieved by a determination of the ~~department~~ office  
11 under this subsection may seek judicial review of that determination in the same  
12 manner that compensation claims are reviewed under s. 102.23.

13           \*~~-0610/P3.78~~\*SECTION 2786. 102.16 (2) (h) of the statutes is amended to read:

14           102.16 (2) (h) The ~~department~~ office shall promulgate rules establishing  
15 procedures and requirements for the fee dispute resolution process under this  
16 subsection, including rules specifying the standards that health service fee  
17 databases must meet for certification under this paragraph. Using those standards,  
18 the ~~department~~ office shall certify databases of the health service fees that various  
19 health service providers charge. In certifying databases under this paragraph, the  
20 ~~department~~ office shall certify at least one database of hospital fees for radiology  
21 services, including diagnostic and interventional radiology, diagnostic ultrasound,  
22 and nuclear medicine.

23           \*~~-0610/P3.79~~\*SECTION 2787. 102.16 (2m) (a) of the statutes is amended to

24 read:

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

14           \***-0610/P3.80**\*SECTION 2788. 102.16 (2m) (am) of the statutes is amended to  
15 read:

16           102.16 (2m) (am) A health service provider and an insurer or self-insured  
17 employer that are parties to a dispute under this subsection over the necessity of  
18 treatment are bound by the department's office's determination under this  
19 subsection on the necessity of the disputed treatment, unless that determination is  
20 set aside on judicial review as provided in par. (e).

21           \***-0610/P3.81**\*SECTION 2789. 102.16 (2m) (b) of the statutes is amended to  
22 read:

23           102.16 (2m) (b) An insurer or self-insured employer that disputes the  
24 necessity of treatment provided by a health service provider or the department  
25 division under sub. (1m) (b) or s. 102.18 (1) (bg) 2. shall provide reasonable written

1 notice to the health service provider that the necessity of that treatment is being  
2 disputed. After receiving reasonable written notice under this paragraph or under  
3 sub. (1m) (b) or s. 102.18 (1) (bg) 2. that the necessity of treatment is being disputed,  
4 a health service provider may not collect a fee for that disputed treatment from, or  
5 bring an action for collection of the fee for that disputed treatment against, the  
6 employee who received the treatment.

7 \*~~0610/P3.82~~SECTION 2790. 102.16 (2m) (c) of the statutes is amended to  
8 read:

9 102.16 (2m) (c) Before determining under this subsection the necessity of  
10 treatment provided for an injured employee who claims benefits under this chapter,  
11 the ~~department~~ office shall obtain a written opinion on the necessity of the treatment  
12 in dispute from an expert selected by the ~~department~~ office. To qualify as an expert,  
13 a person must be licensed to practice the same health care profession as the  
14 individual health service provider whose treatment is under review and must either  
15 be performing services for an impartial health care services review organization or  
16 be a member of an independent panel of experts established by the ~~department~~ office  
17 under par. (f). The standards promulgated under par. (g) shall be applied by an  
18 expert and by the ~~department~~ office in rendering an opinion as to, and in  
19 determining, necessity of treatment under this paragraph. In cases in which no  
20 standards promulgated under sub. (2m) (g) apply, the ~~department~~ office shall find  
21 the facts regarding necessity of treatment. The ~~department~~ office shall adopt the  
22 written opinion of the expert as the ~~department's~~ office's determination on the issues  
23 covered in the written opinion, unless the health service provider or the insurer or  
24 self-insured employer present clear and convincing written evidence that the  
25 expert's opinion is in error.

1           \***-0610/P3.83**\*SECTION 2791. 102.16 (2m) (d) of the statutes is amended to  
2 read:

3           102.16 (2m) (d) The ~~department~~ office may charge a party to a dispute over the  
4 necessity of treatment provided for an injured employee who claims benefits under  
5 this chapter for the full cost of obtaining the written opinion of the expert under par.  
6 (c). The ~~department~~ office shall charge the insurer or self-insured employer for the  
7 full cost of obtaining the written opinion of the expert for the first dispute that a  
8 particular individual health service provider is involved in, unless the ~~department~~  
9 office determines that the individual health service provider's position in the dispute  
10 is frivolous or based on fraudulent representations. In a subsequent dispute  
11 involving the same individual health service provider, the ~~department~~ office shall  
12 charge the losing party to the dispute for the full cost of obtaining the written opinion  
13 of the expert.

14           \***-0610/P3.84**\*SECTION 2792. 102.16 (2m) (e) of the statutes is amended to  
15 read:

16           102.16 (2m) (e) Within 30 days after a determination under this subsection, the  
17 ~~department~~ office may set aside, reverse, or modify the determination for any reason  
18 that the ~~department~~ office considers sufficient. Within 60 days after a determination  
19 under this subsection, the ~~department~~ office may set aside, reverse, or modify the  
20 determination on grounds of mistake. A health service provider, insurer, or  
21 self-insured employer that is aggrieved by a determination of the ~~department~~ office  
22 under this subsection may seek judicial review of that determination in the same  
23 manner that compensation claims are reviewed under s. 102.23.

24           \***-0610/P3.85**\*SECTION 2793. 102.16 (2m) (f) of the statutes is amended to  
25 read:



1           102.16 (2m) (f) The department office may contract with an impartial health  
2 care services review organization to provide the expert opinions required under par.  
3 (c), or establish a panel of experts to provide those opinions, or both. If the  
4 department office establishes a panel of experts to provide the expert opinions  
5 required under par. (c), the department office may pay the members of that panel a  
6 reasonable fee, plus actual and necessary expenses, for their services.

7           \*~~0610/P3.86~~\*SECTION 2794. 102.16 (2m) (g) of the statutes is amended to  
8 read:

9           102.16 (2m) (g) The department office shall promulgate rules establishing  
10 procedures and requirements for the necessity of treatment dispute resolution  
11 process under this subsection, including rules setting the fees under par. (f) and rules  
12 establishing standards for determining the necessity of treatment provided to an  
13 injured employee. Before the department office may amend the rules establishing  
14 those standards, the department office shall establish an advisory committee under  
15 s. 227.13 composed of health care providers providing treatment under s. 102.42 to  
16 advise the department office and the council on worker's compensation on amending  
17 those rules.

18           \*~~0610/P3.87~~\*SECTION 2795. 102.16 (4) of the statutes is amended to read:

19           102.16 (4) The department division has jurisdiction to pass on any question  
20 arising out of sub. (3) and has jurisdiction to order the employer to reimburse an  
21 employee or other person for any sum deducted from wages or paid by him or her in  
22 violation of that subsection. In addition to the penalty provided in s. 102.85 (1), any  
23 employer violating sub. (3) shall be liable to an injured employee for the reasonable  
24 value of the necessary services rendered to that employee pursuant to under any

1 arrangement made in violation of sub. (3) without regard to that employee's actual  
2 disbursements for ~~the same~~ those services.

3 **\*-0610/P3.88\*SECTION 2796.** 102.17 (1) (a) 1. of the statutes is amended to  
4 read:

5 102.17 (1) (a) 1. Upon the filing with the department division by any party in  
6 interest of any application in writing stating the general nature of any claim as to  
7 which any dispute or controversy may have arisen, the department division shall  
8 electronically deliver or mail a copy of the application to all other parties in interest,  
9 and the insurance carrier shall be considered a party in interest. The department  
10 division may bring in additional parties by service of a copy of the application.

11 **\*-0610/P3.89\*SECTION 2797.** 102.17 (1) (a) 2. of the statutes is amended to  
12 read:

13 102.17 (1) (a) 2. Subject to subd. 3., the department division shall cause notice  
14 of hearing on the application to be given to each interested party, by service of that  
15 notice on the interested party personally, by electronically delivering a copy of that  
16 notice to the interested party, or by mailing a copy of that notice to the interested  
17 party's last-known address at least 10 days before the hearing. If a party in interest  
18 is located without this state, and has no post-office address within this state, the  
19 copy of the application and copies of all notices shall be filed with the department  
20 of financial institutions and professional standards and shall also be sent by  
21 registered or certified mail to the last-known post-office address of the party. Such  
22 filing and mailing shall constitute sufficient service, with the same effect as if served  
23 upon a party located within this state.

\*\*\*\*NOTE: This is reconciled s.102.17 (1) (a) 2. This SECTION has been affected by  
drafts with the following LRB numbers: -0610/P2 and LRB-0807/P5.

1           \*~~0610/P3.90~~\*SECTION 2798. 102.17 (1) (a) 3. of the statutes is amended to  
2 read:

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

8           \*~~0610/P3.91~~\*SECTION 2799. 102.17 (1) (a) 4. of the statutes is amended to  
9 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           \*~~0610/P3.92~~\*SECTION 2800. 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 \*~~-0610/P3.93~~**SECTION 2801.** 102.17 (1) (c) of the statutes is renumbered  
10 102.17 (1) (c) 1. and 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~~ office a license with authorization to appear  
21 in matters or proceedings before the ~~department~~ division. Except as provided under  
22 pars. (cm), (cr), and (ct), the license shall be issued by the ~~department~~ office under  
23 rules promulgated by the ~~department~~ office. The ~~department~~ office shall maintain  
24 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 office for fraud or serious misconduct on the part of an agent, any license  
3           may be denied, suspended, nonrenewed, or otherwise withheld by the ~~department~~  
4           office for failure to pay court-ordered payments as provided in par. (cm) on the part  
5           of an agent, and any license may be denied or revoked if the department of revenue  
6           certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes  
7           or if the department of workforce development determines under ~~par. (et)~~ s. 108.227  
8           that the applicant or licensee is liable for delinquent unemployment insurance  
9           contributions. Before suspending or revoking the license of the agent on the grounds  
10          of fraud or misconduct, the ~~department~~ office shall give notice in writing to the agent  
11          of the charges of fraud or misconduct and shall give the agent full opportunity to be  
12          heard in relation to those charges. In denying, suspending, restricting, refusing to  
13          renew, or otherwise withholding a license for failure to pay court-ordered payments  
14          as provided in par. (cm), the ~~department~~ office shall follow the procedure provided  
15          in a memorandum of understanding entered into under s. 49.857. ~~The license and~~  
16          ~~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~~ office from time to time, but each renewed  
20          license shall expire on the June 30 following the issuance of the renewed license.

21          \*~~-0610/P3.94~~\*SECTION 2802. 102.17 (1) (cg) 1. of the statutes is amended to  
22          read:

23          102.17 (1) (cg) 1. Except as provided in subd. 2m., the ~~department~~ office shall  
24          require each applicant for a license under par. (c) who is an individual to provide the  
25          ~~department~~ office with the applicant's social security number, and shall require each

**SECTION 2802**

1 applicant for a license under par. (c) who is not an individual to provide the  
2 department office with the applicant's federal employer identification number, when  
3 initially applying for or applying to renew the license.

4 **\*-0610/P3.95\*SECTION 2803.** 102.17 (1) (cg) 2. of the statutes is amended to  
5 read:

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

13 **\*-0610/P3.96\*SECTION 2804.** 102.17 (1) (cg) 2m. of the statutes is amended to  
14 read:

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

21 **\*-0610/P3.97\*SECTION 2805.** 102.17 (1) (cg) 3. of the statutes is amended to  
22 read:

23 102.17 (1) (cg) 3. The ~~department of workforce development~~ office may not  
24 disclose any information received under subd. 1. to any person except to the  
25 department of revenue for the sole purpose of requesting certifications under s.

1 73.0301, the department of workforce development for the sole purpose of requesting  
2 certifications under s. 108.227, or the department of children and families for  
3 purposes of administering s. 49.22.

4 \***-0610/P3.98**\*SECTION 2806. 102.17 (1) (cm) of the statutes is amended to  
5 read:

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

18 \***-0610/P3.99**\*SECTION 2807. 102.17 (1) (cr) of the statutes is amended to read:

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

**SECTION 2808**

1           \***-0610/P3.100**\***SECTION 2808.** 102.17 (1) (ct) of the statutes is repealed and  
2 recreated to read:

3           102.17 (1) (ct) The office shall deny an application for the issuance or renewal  
4 of a license under par. (c), or revoke such a license already issued, if the department  
5 of workforce development certifies under s. 108.227 that the applicant or licensee is  
6 liable for delinquent unemployment insurance contributions. Notwithstanding par.  
7 (c), an action taken under this paragraph is subject to review only as provided under  
8 s. 108.227 (5) and not as provided in ch. 227.

9           \***-0610/P3.101**\***SECTION 2809.** 102.17 (1) (d) 1. of the statutes is amended to  
10 read:

11           102.17 (1) (d) 1. The contents of certified medical and surgical reports by  
12 physicians, podiatrists, surgeons, dentists, psychologists, physician assistants,  
13 advanced practice nurse prescribers, and chiropractors licensed in and practicing in  
14 this state, and of certified reports by experts concerning loss of earning capacity  
15 under s. 102.44 (2) and (3), presented by a party for compensation constitute prima  
16 facie evidence as to the matter contained in those reports, subject to any rules and  
17 limitations the ~~department~~ division prescribes. Certified reports of physicians,  
18 podiatrists, surgeons, dentists, psychologists, physician assistants, advanced  
19 practice nurse prescribers, and chiropractors, wherever licensed and practicing, who  
20 have examined or treated the claimant, and of experts, if the practitioner or expert  
21 consents to being subjected to cross-examination, also constitute prima facie  
22 evidence as to the matter contained in those reports. Certified reports of physicians,  
23 podiatrists, surgeons, psychologists, and chiropractors are admissible as evidence of  
24 the diagnosis, necessity of the treatment, and cause and extent of the disability.  
25 Certified reports by doctors of dentistry, physician assistants, and advanced practice



1 nurse prescribers are admissible as evidence of the diagnosis and necessity of  
2 treatment but not of the cause and extent of disability. Any physician, podiatrist,  
3 surgeon, dentist, psychologist, chiropractor, physician assistant, advanced practice  
4 nurse prescriber, or expert who knowingly makes a false statement of fact or opinion  
5 in such a certified report may be fined or imprisoned, or both, under s. 943.395.

6 \*~~0610/P3.102~~SECTION 2810. 102.17 (1) (d) 2. of the statutes is amended to  
7 read:

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

16 \*~~0610/P3.103~~SECTION 2811. 102.17 (1) (d) 3. of the statutes is amended to  
17 read:

18 102.17 (1) (d) 3. The ~~department~~ division may, by rule, establish the  
19 qualifications of and the form used for certified reports submitted by experts who  
20 provide information concerning loss of earning capacity under s. 102.44 (2) and (3).  
21 The ~~department~~ division may not admit into evidence a certified report of a  
22 practitioner or other expert or a record of a hospital or sanatorium that was not filed  
23 with the ~~department~~ division and all parties in interest at least 15 days before the  
24 date of the hearing, unless the ~~department~~ division is satisfied that there is good  
25 cause for the failure to file the report.

**SECTION 2812**

1           \*~~0610/P3.104~~**SECTION 2812.** 102.17 (1) (d) 4. of the statutes is amended to  
2 read:

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

6           \*~~0610/P3.105~~**SECTION 2813.** 102.17 (1) (e) of the statutes is amended to read:

7           102.17 (1) (e) The ~~department~~ division may, with or without notice to any party,  
8 cause testimony to be taken, an inspection of the premises where the injury occurred  
9 to be made, or the time books and payrolls of the employer to be examined by any  
10 examiner, and may direct any employee claiming compensation to be examined by  
11 a physician, chiropractor, psychologist, dentist, or podiatrist. The testimony so  
12 taken, and the results of any such inspection or examination, shall be reported to the  
13 ~~department~~ division for its consideration upon final hearing. All ex parte testimony  
14 taken by the ~~department~~ division shall be reduced to writing, and any party shall  
15 have opportunity to rebut that testimony on final hearing.

16           \*~~0610/P3.106~~**SECTION 2814.** 102.17 (1) (f) of the statutes is amended to read:

17           102.17 (1) (f) Sections 804.05 and 804.07 shall not apply to proceedings under  
18 this chapter, except as to a witness who is any of the following:

- 19           1. ~~Who is beyond~~ Beyond reach of the subpoena of the ~~department; or~~ division.
- 20           2. ~~Who is about~~ About to go out of the state, not intending to return in time for  
21 the ~~hearing; or~~ hearing.
- 22           3. ~~Who is so~~ So sick, infirm, or aged as to make it probable that the witness will  
23 not be able to attend the ~~hearing; or~~ hearing.

1           4. ~~Who is a~~ A member of the legislature, if any committee of the same or  
2 legislature or of the house of which the witness is a member, is in session, ~~provided~~  
3 and the witness waives his or her privilege.

4           \*~~0610/P3.107~~\***SECTION 2815.** 102.17 (1) (g) of the statutes is amended to read:

5           102.17 (1) (g) Whenever the testimony presented at any hearing indicates a  
6 dispute or creates a doubt as to the extent or cause of disability or death, the  
7 department division may direct that the injured employee be examined, that an  
8 autopsy be performed, or that an opinion be obtained without examination or  
9 autopsy, by or from an impartial, competent physician, chiropractor, dentist,  
10 psychologist or podiatrist designated by the department division who is not under  
11 contract with or regularly employed by a compensation insurance carrier or  
12 self-insured employer. The expense of the examination, autopsy, or opinion shall be  
13 paid by the employer or, if the employee claims compensation under s. 102.81, from  
14 the uninsured employers fund. The report of the examination, autopsy, or opinion  
15 shall be transmitted in writing to the department division and a copy of the report  
16 shall be furnished by the department division to each party, who shall have an  
17 opportunity to rebut such the report on further hearing.

18           \*~~0610/P3.108~~\***SECTION 2816.** 102.17 (1) (h) of the statutes is amended to  
19 read:

20           102.17 (1) (h) The contents of certified reports of investigation, made by  
21 industrial safety specialists who are employed, contracted, or otherwise secured by  
22 the department division and who are available for cross-examination, if served upon  
23 the parties 15 days prior to hearing, shall constitute prima facie evidence as to  
24 matter contained in those reports. A report described in this paragraph that is

**SECTION 2816**

1 admitted or received into evidence by the ~~department~~ division constitutes  
2 substantial evidence under s. 102.23 (6) as to the matter contained in the report.

3 **\*-0610/P3.109\*SECTION 2817.** 102.17 (2) of the statutes is amended to read:

4 102.17 (2) If the ~~department shall have~~ division has reason to believe that the  
5 payment of compensation has not been made, ~~it~~ the division may on its own motion  
6 give notice to the parties, in the manner provided for the service of an application,  
7 of a time and place when a hearing will be held for the purpose of determining the  
8 facts. ~~Such~~ The notice shall contain a statement of the matter to be considered.  
9 ~~Thereafter all other~~ All provisions of this chapter governing proceedings on an  
10 application shall ~~attach~~ apply, insofar as ~~the same may be~~ applicable, to a proceeding  
11 under this subsection. When the ~~department~~ division schedules a hearing on its own  
12 motion, the ~~department~~ division does not become a party in interest and is not  
13 required to appear at the hearing.

14 **\*-0610/P3.110\*SECTION 2818.** 102.17 (2m) of the statutes is amended to read:

15 102.17 (2m) Any The division or any party, including the ~~department~~ office,  
16 may require any person to produce books, papers, and records at the hearing by  
17 personal service of a subpoena upon the person along with a tender of witness fees  
18 as provided in ss. 814.67 and 885.06. Except as provided in sub. (2s), the subpoena  
19 shall be on a form provided by the ~~department~~ division and shall give the name and  
20 address of the party requesting the subpoena.

21 **\*-0610/P3.111\*SECTION 2819.** 102.17 (2s) of the statutes is amended to read:

22 102.17 (2s) A party's attorney of record may issue a subpoena to compel the  
23 attendance of a witness or the production of evidence. A subpoena issued by an  
24 attorney must be in substantially the same form as provided in s. 805.07 (4) and must  
25 be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of

1 issuance, send a copy of the subpoena to the ~~appeal tribunal~~ hearing examiner or  
2 other representative of the ~~department~~ division responsible for conducting the  
3 proceeding.

4 **\*-0610/P3.112\*SECTION 2820.** 102.17 (7) (b) of the statutes is amended to read:

5 102.17 (7) (b) Except as provided in par. (c), the ~~department~~ division shall  
6 exclude from evidence testimony or certified reports from expert witnesses under  
7 par. (a) offered by the party that raises the issue of loss of earning capacity if that  
8 party failed to notify the ~~department~~ division and the other parties of interest, at  
9 least 60 days before the date of the hearing, of the party's intent to provide the  
10 testimony or reports and of the names of the expert witnesses involved. Except as  
11 provided in par. (c), the ~~department~~ division shall exclude from evidence testimony  
12 or certified reports from expert witnesses under par. (a) offered by a party of interest  
13 in response to the party that raises the issue of loss of earning capacity if the  
14 responding party failed to notify the ~~department~~ division and the other parties of  
15 interest, at least 45 days before the date of the hearing, of the party's intent to provide  
16 the testimony or reports and of the names of the expert witnesses involved.

17 **\*-0610/P3.113\*SECTION 2821.** 102.17 (7) (c) of the statutes is amended to read:

18 102.17 (7) (c) Notwithstanding the notice deadlines provided in par. (b), the  
19 ~~department~~ division may receive in evidence testimony or certified reports from  
20 expert witnesses under par. (a) when the applicable notice deadline under par. (b) is  
21 not met if good cause is shown for the delay in providing the notice required under  
22 par. (b) and if no party is prejudiced by the delay.

23 **\*-0610/P3.114\*SECTION 2822.** 102.17 (8) of the statutes is amended to read:

24 102.17 (8) Unless otherwise agreed to by all parties, an injured employee shall  
25 file with the ~~department~~ division and serve on all parties at least 15 days before the

1 date of the hearing an itemized statement of all medical expenses and incidental  
2 compensation under s. 102.42 claimed by the injured employee. The itemized  
3 statement shall include, if applicable, information relating to any travel expenses  
4 incurred by the injured employee in obtaining treatment including the injured  
5 employee's destination, number of trips, round trip mileage, and meal and lodging  
6 expenses. The department division may not admit into evidence any information  
7 relating to medical expenses and incidental compensation under s. 102.42 claimed  
8 by an injured employee if the injured employee failed to file with the department  
9 division and serve on all parties at least 15 days before the date of the hearing an  
10 itemized statement of the medical expenses and incidental compensation under s.  
11 102.42 claimed by the injured employee, unless the department division is satisfied  
12 that there is good cause for the failure to file and serve the itemized statement.

13 \***-0610/P3.115\*SECTION 2823.** 102.175 (2) of the statutes is amended to read:

14 102.175 (2) If after a hearing or a prehearing conference the department  
15 division determines that an injured employee is entitled to compensation but that  
16 there remains in dispute only the issue of which of 2 or more parties is liable for that  
17 compensation, the department division may order one or more parties to pay  
18 compensation in an amount, time, and manner as determined by the department  
19 division. If the department division later determines that another party is liable for  
20 compensation, the department division shall order that other party to reimburse any  
21 party that was ordered to pay compensation under this subsection.

22 \***-0610/P3.116\*SECTION 2824.** 102.18 (1) (b) of the statutes is amended to read:

23 102.18 (1) (b) Within 90 days after the final hearing and close of the record, the  
24 department division shall make and file its findings upon the ultimate facts involved  
25 in the controversy, and its order, which shall state its the division's determination as

1 to the rights of the parties. Pending the final determination of any controversy before  
2 it, the ~~department may in its discretion~~ division, after any hearing, ~~may, in its~~  
3 discretion, make interlocutory findings, orders, and awards, which may be enforced  
4 in the same manner as final awards. The ~~department~~ division may include in any  
5 interlocutory or final award or order an order directing the employer or insurer to pay  
6 for any future treatment that may be necessary to cure and relieve the employee from  
7 the effects of the injury. If the ~~department~~ division finds that the employer or insurer  
8 has not paid any amount that the employer or insurer was directed to pay in any  
9 interlocutory order or award and that the nonpayment was not in good faith, the  
10 ~~department~~ division may include in its final award a penalty not exceeding ~~25%~~ 25  
11 percent of each amount that was not paid as directed. When there is a finding that  
12 the employee is in fact suffering from an occupational disease caused by the  
13 employment of the employer against whom the application is filed, a final award  
14 dismissing the application upon the ground that the applicant has suffered no  
15 disability from the disease shall not bar any claim the employee may thereafter have  
16 for disability sustained after the date of the award.

17 **\*-0610/P3.117\*SECTION 2825.** 102.18 (1) (bg) 1. of the statutes is amended to  
18 read:

19 102.18 (1) (bg) 1. If the ~~department~~ division finds under par. (b) that an insurer  
20 or self-insured employer is liable under this chapter for any health services provided  
21 to an injured employee by a health service provider, but that the reasonableness of  
22 the fee charged by the health service provider is in dispute, the ~~department~~ division  
23 may include in its order under par. (b) a determination made by the office under s.  
24 102.16 (2) as to the reasonableness of the fee or ~~the department, if such a~~  
25 determination has not yet been made, the division may notify, or direct the insurer

1 or self-insured employer to notify, the health service provider under s. 102.16 (2) (b)  
2 that the reasonableness of the fee is in dispute. ~~The department shall deny payment~~  
3 ~~of a health service fee that the department determines under this subdivision to be~~  
4 ~~unreasonable. An insurer or self-insured employer and a health service provider~~  
5 ~~that are parties to a fee dispute under this subdivision are bound by the department's~~  
6 ~~determination under this subdivision on the reasonableness of the disputed fee,~~  
7 ~~unless that determination is set aside, reversed, or modified by the department~~  
8 ~~under sub. (3) or by the commission under sub. (3) or (4) or is set aside on judicial~~  
9 ~~review under s. 102.23.~~

10 \*~~0610/P3.118~~\*SECTION 2826. 102.18 (1) (bg) 2. of the statutes is amended to  
11 read:

12 102.18 (1) (bg) 2. If the department division finds under par. (b) that an  
13 employer or insurance carrier is liable under this chapter for any treatment provided  
14 to an injured employee by a health service provider, but that the necessity of the  
15 treatment is in dispute, the department division may include in its order under par.  
16 (b) a determination made by the office under s. 102.16 (2m) as to the necessity of the  
17 treatment or the department, if such a determination has not yet been made, the  
18 division may notify, or direct the employer or insurance carrier to notify, the health  
19 service provider under s. 102.16 (2m) (b) that the necessity of the treatment is in  
20 dispute. ~~Before determining under this subdivision the necessity of treatment~~  
21 ~~provided to an injured employee, the department may, but is not required to, obtain~~  
22 ~~the opinion of an expert selected by the department who is qualified as provided in~~  
23 ~~s. 102.16 (2m) (c). The standards promulgated under s. 102.16 (2m) (g) shall be~~  
24 ~~applied by an expert in rendering an opinion as to, and in determining, necessity of~~  
25 ~~treatment under this subdivision. In cases in which no standards promulgated~~



1 ~~under s. 102.16 (2m) (g) apply, the department shall find the facts regarding~~  
2 ~~necessity of treatment. The department shall deny payment for any treatment that~~  
3 ~~the department determines under this subdivision to be unnecessary. An insurer or~~  
4 ~~self-insured employer and a health service provider that are parties to a dispute~~  
5 ~~under this subdivision over the necessity of treatment are bound by the department's~~  
6 ~~determination under this subdivision on the necessity of the disputed treatment,~~  
7 ~~unless that determination is set aside, reversed, or modified by the department~~  
8 ~~division under sub. (3) or by the commission under sub. (3) or (4) or is set aside on~~  
9 ~~judicial review under s. 102.23.~~

10 \*~~0610/P3.119~~\*SECTION 2827. 102.18 (1) (bg) 3. of the statutes is amended to  
11 read:

12 102.18 (1) (bg) 3. If the ~~department~~ division finds under par. (b) that an insurer  
13 or self-insured employer is liable under this chapter for the cost of a prescription  
14 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but  
15 that the reasonableness of the amount charged for that prescription drug is in  
16 dispute, the ~~department~~ division may include in its order under par. (b) a  
17 determination made by the office under s. 102.425 (4m) as to the reasonableness of  
18 the prescription drug charge or the department, if such a determination has not yet  
19 been made, the division may notify, or direct the insurer or self-insured employer to  
20 notify, the pharmacist or practitioner dispensing the prescription drug under s.  
21 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in  
22 dispute. ~~The department shall deny payment of a prescription drug charge that the~~  
23 ~~department determines under this subdivision to be unreasonable. An insurer or~~  
24 ~~self-insured employer and a pharmacist or practitioner that are parties to a dispute~~  
25 ~~under this subdivision over the reasonableness of a prescription drug charge are~~

1 bound by the department's determination under par. (b) on the reasonableness of the  
2 disputed prescription drug charge, unless that determination is set aside, reversed,  
3 or modified by the department under sub. (3) or by the commission under sub. (3) or  
4 (4) or is set aside on judicial review under s. 102.23.

5 \*~~0610/P3.120~~\*SECTION 2828. 102.18 (1) (bp) of the statutes is amended to  
6 read:

7 102.18 (1) (bp) If the department division determines that the employer or  
8 insurance carrier suspended, terminated, or failed to make payments or failed to  
9 report an injury as a result of malice or bad faith, the department division may  
10 include a penalty in an award to an employee for each event or occurrence of malice  
11 or bad faith. ~~This~~ That penalty is the exclusive remedy against an employer or  
12 insurance carrier for malice or bad faith. If ~~this~~ the penalty is imposed for an event  
13 or occurrence of malice or bad faith that causes a payment that is due an injured  
14 employee to be delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46  
15 (1), the department division may not also order an increased payment under s.  
16 102.22 (1) or the payment of interest under s. 628.46 (1). The department division  
17 may award an amount that ~~it~~ the division considers just, not to exceed the lesser of  
18 200 percent of total compensation due or \$30,000 for each event or occurrence of  
19 malice or bad faith. The department division may assess the penalty against the  
20 employer, the insurance carrier, or both. Neither the employer nor the insurance  
21 carrier is liable to reimburse the other for the penalty amount. The department  
22 division may, by rule, define actions ~~which~~ that demonstrate malice or bad faith.

23 \*~~0610/P3.121~~\*SECTION 2829. 102.18 (1) (bw) of the statutes is amended to  
24 read: