

1 leases to the board of regents of the University of Wisconsin System Authority to  
2 have an automatic fire sprinkler system installed on each floor at the time the  
3 residence hall or dormitory is constructed.

4 **\*-0971/P5.574\*SECTION 2704.** 101.14 (4) (b) 3. c. of the statutes is amended  
5 to read:

6 101.14 (4) (b) 3. c. Every residence hall and dormitory over 60 feet in height,  
7 the initial construction of which was begun before January 7, 2006, that is owned or  
8 operated by an institution of higher education, other than a residence hall or  
9 dormitory that is ~~owned or operated by the state~~ leases to the Board of Regents of the  
10 University of Wisconsin System Authority, to contain an automatic fire sprinkler  
11 system on each floor by January 1, 2014.

12 **\*-0971/P5.575\*SECTION 2705.** 101.14 (4) (b) 3. d. of the statutes is amended  
13 to read:

14 101.14 (4) (b) 3. d. Every residence hall and dormitory, the initial construction  
15 of which is begun on or after January 7, 2006, that is owned or operated by an  
16 institution of higher education, other than a residence hall or dormitory that is  
17 ~~owned or operated by the state~~ leases to the Board of Regents of the University of  
18 Wisconsin System Authority, to have an automatic fire sprinkler system installed on  
19 each floor at the time the residence hall or dormitory is constructed.

20 **\*-0602/P4.58\*SECTION 2706.** 101.149 (1) (ag) of the statutes is amended to  
21 read:

22 101.149 (1) (ag) “Bed and breakfast establishment” has the meaning given in  
23 s. ~~254.61 (1)~~ 97.01 (1g).

24 **\*-0602/P4.59\*SECTION 2707.** 101.149 (1) (cm) of the statutes is amended to  
25 read:

1 101.149 (1) (cm) "Tourist rooming house" has the meaning given in s. 254.61  
2 (6) 97.01 (15k).

3 \*-0602/P4.60\*SECTION 2708. 101.149 (5) (c) of the statutes is amended to read:

4 101.149 (5) (c) All of the fuel-burning appliances in the residential building  
5 have sealed combustion units that are inspected as provided in the rules  
6 promulgated by the department under sub. (6) (b) or in the rules promulgated by the  
7 department of ~~health services~~ under s. 254.74 97.625 (1) (am).

8 \*-0807/P6.243\*SECTION 2709. 101.149 (6) (b) of the statutes is amended to  
9 read:

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

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21 \*-0602/P4.61\*SECTION 2710. 101.149 (8) (a) of the statutes, as affected by 2015

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

23 101.149 (8) (a) If the department or the department of ~~health services~~  
24 agriculture, trade and consumer protection determines after an inspection of a  
25 building under this section or s. 254.74 97.625 (1g) that the owner of the building has

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

\*\*\*NOTE: This is reconciled s. 101.149 (8) (a). This SECTION has been affected by  
drafts with the following LRB numbers: -0602/P4 and -0807/P6.

create an. qid (use on p. 1648)

7 **\*-0807/P6.244\*SECTION 2711.** 101.149 (8) (a) of the statutes is amended to  
8 read:

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

18 **\*-0807/P6.245\*SECTION 2712.** 101.31 of the statutes is repealed.

19 **\*-0807/P6.246\*SECTION 2713.** 101.573 (3) (a) of the statutes is amended to  
20 read:

21 101.573 (3) (a) On or before May 1 in each year, the department shall compile  
22 the fire department dues paid by all insurers under s. 601.93 and the dues paid by  
23 the state fire fund under sub. (1) and funds remaining under par. (b), withhold .5%

## SECTION 2713

1 and certify to the secretary of administration the proper amount to be paid from the  
2 appropriation under s. ~~20.165 (2)~~ 20.142 (4) (L) to each city, village, or town entitled  
3 to fire department dues under s. 101.575. Annually, on or before August 1, the  
4 secretary of administration shall pay the amounts certified by the department to the  
5 cities, villages and towns eligible under s. 101.575.

6 **\*-0807/P6.247\*SECTION 2714.** 101.573 (5) of the statutes is amended to read:

7 101.573 (5) The department shall promulgate a rule defining “administrative  
8 expenses” for purposes of s. ~~20.165 (2)~~ 20.142 (4) (La).

9 **\*-0602/P4.62\*SECTION 2715.** 101.63 (1) (intro.) of the statutes is amended to  
10 read:

11 101.63 (1) (intro.) Adopt rules which establish standards for the construction  
12 and inspection of one- and 2-family dwellings and components thereof. Where  
13 feasible, the standards used shall be those nationally recognized and shall apply to  
14 the dwelling and to its electrical, heating, ventilating, air conditioning and other  
15 systems, including plumbing, as defined in s. 145.01 (10). No set of rules may be  
16 adopted which has not taken into account the conservation of energy in construction  
17 and maintenance of dwellings and the costs of specific code provisions to home buyers  
18 in relationship to the benefits derived from the provisions. Rules promulgated under  
19 this subsection do not apply to a bed and breakfast establishment, as defined under  
20 s. ~~254.61 (1)~~ 97.01 (1g), except that the rules apply to all of the following:

21 **\*-0602/P4.63\*SECTION 2716.** 101.647 (1) (am) of the statutes is amended to  
22 read:

23 101.647 (1) (am) Notwithstanding s. 101.61 (1), “dwelling” does not include a  
24 tourist rooming house, as defined in s. ~~254.61 (6)~~ 97.01 (15k).

1       \*~~0807/P6.248~~\*SECTION 2717. 101.654 (1m) (e) of the statutes is amended to  
2 read:

3       101.654 (1m) (e) ~~The continuing education approved by the department under~~  
4 ~~par. (b) 1. shall include courses offered by private organizations with whom the~~  
5 ~~department contracts under s. 101.657.~~ The department may approve continuing  
6 education courses that are offered by other states.

7       \*~~0807/P6.249~~\*SECTION 2718. 101.657 of the statutes is repealed.

8       \*~~0971/P5.576~~\*SECTION 2719. 101.66 (1m) (bn) of the statutes is amended to  
9 read:

10       101.66 (1m) (bn) A person may not provide a written certification under par.  
11 (b) unless the person has been issued a certificate of accomplishment evidencing  
12 certification or recertification under ~~the a~~ lumber grading training program under  
13 s. 36.25 (48) specified by the department and the person has received the certificate  
14 within the 5 years before providing the written certification. The person shall attach  
15 to the written certification a copy of his or her certificate of accomplishment.

16       \*~~0807/P6.250~~\*SECTION 2720. 101.935 (2) (e) of the statutes is amended to  
17 read:

18       101.935 (2) (e) Section 254.69 (2), as it applies to an agent for the department  
19 of health services in the administration of s. 254.47, applies to an agent for the  
20 department ~~of safety and professional services~~ in the administration of this section.

21       \*~~0602/P4.64~~\*SECTION 2721. 101.935 (2) (e) of the statutes, as affected by 2015  
22 Wisconsin Act .... (this act), is amended to read:

23       101.935 (2) (e) Section ~~254.69 (2)~~ 97.615 (2), as it applies to an agent for the  
24 department of ~~health services~~ agriculture, trade and consumer protection in the

1 administration of s. ~~254.47~~ 97.67, applies to an agent for the department in the  
2 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.

3 **\*-0807/P6.251\*SECTION 2722.** 101.951 (7) (a) of the statutes is amended to  
4 read:

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

13 **\*-0807/P6.252\*SECTION 2723.** 101.951 (7) (b) of the statutes is amended to  
14 read:

15 101.951 (7) (b) No license may be suspended or revoked except after a hearing  
16 thereon. ~~The department of safety and professional services shall give the licensee~~  
17 at least 5 days' notice of the time and place of the hearing. The order suspending or  
18 revoking such license shall not be effective until after 10 days' written notice thereof  
19 to the licensee, after such hearing has been had; except that the department ~~of safety~~  
20 ~~and professional services~~, when in its opinion the best interest of the public or the  
21 trade demands it, may suspend a license upon not less than 24 hours' notice of  
22 hearing and with not less than 24 hours' notice of the suspension of the license.  
23 Matters involving suspensions and revocations brought before the department of

1 ~~safety and professional services~~ shall be heard and decided upon by the department  
2 of administration. The division of hearings and appeals shall conduct the hearing.  
3 This paragraph does not apply to licenses that are suspended or revoked under s.  
4 101.02 (21).

5 ~~\*-0807/P6.253~~**SECTION 2724.** 101.951 (7) (c) of the statutes is amended to  
6 read:

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

12 ~~\*-0807/P6.254~~**SECTION 2725.** 101.953 (1) (a) of the statutes is amended to  
13 read:

14 101.953 (1) (a) A statement that the manufactured home meets those  
15 standards prescribed by law or administrative rule of the department of  
16 administration or of the department of ~~safety and professional services~~ that are in  
17 effect at the time of the manufacture of the manufactured home.

18 ~~\*-0807/P6.255~~**SECTION 2726.** 101.973 (8) of the statutes is amended to read:

19 101.973 (8) Deposit the moneys received from the fees under sub. (7) in the  
20 appropriation under s. ~~20.165 (2)~~ 20.142 (4) (j).

21 ~~\*-0971/P5.577~~**SECTION 2727.** 101.977 (2) (bn) of the statutes is amended to  
22 read:

23 101.977 (2) (bn) A person may not provide a written certification under par. (b)  
24 unless the person has been issued a certificate of accomplishment evidencing  
25 certification or recertification under ~~the a~~ a lumber grading training program ~~under~~

1 s. ~~36.25~~(48) specified by the department and the person has received the certificate  
2 within the 5 years before providing the written certification. The person shall attach  
3 to the written certification a copy of his or her certificate of accomplishment.

4 **\*-0610/P3.27\*SECTION 2728.** 102.01 (2) (a) of the statutes is renumbered  
5 102.01 (2) (af).

6 **\*-0610/P3.28\*SECTION 2729.** 102.01 (2) (ad) of the statutes is created to read:  
7 102.01 (2) (ad) "Administrator" means the administrator of the division of  
8 hearings and appeals in the department of administration.

9 **\*-0610/P3.29\*SECTION 2730.** 102.01 (2) (ag) of the statutes is amended to read:  
10 102.01 (2) (ag) "Commissioner" means ~~a member of the commission~~ the  
11 commissioner of insurance.

12 **\*-0610/P3.30\*SECTION 2731.** 102.01 (2) (ap) of the statutes is repealed.

13 **\*-0610/P3.31\*SECTION 2732.** 102.01 (2) (ar) of the statutes is created to read:  
14 102.01 (2) (ar) "Division" means the division of hearings and appeals in the  
15 department of administration.

16 **\*-0610/P3.32\*SECTION 2733.** 102.01 (2) (bm) of the statutes is amended to  
17 read:

18 102.01 (2) (bm) "General order" means ~~such order as~~ an order that applies  
19 generally throughout the state to all persons, employments, places of employment,  
20 or public buildings, or to all persons, employments ~~or~~, places of employment, or public  
21 buildings of a class under the jurisdiction of the ~~department~~ office. All other orders  
22 of the ~~department~~ office shall be considered special orders.

23 **\*-1461/P2.226\*SECTION 2734.** 102.01 (2) (d) of the statutes is amended to  
24 read:



1           102.01 (2) (d) "Municipality" includes a county, city, town, village, school  
2           district, sewer district, drainage district and ~~long-term care district~~ and other public  
3           or quasi-public corporations.

4           \*~~0610/P3.33~~\*SECTION 2735. 102.01 (2) (dg) of the statutes is created to read:

5           102.01 (2) (dg) "Office" means the office of the commissioner.

6           \*~~0610/P3.34~~\*SECTION 2736. 102.01 (2) (dm) of the statutes is amended to  
7           read:

8           102.01 (2) (dm) "Order" means any decision, rule, regulation, direction,  
9           requirement, or standard of the ~~department~~ office, or any other determination  
10          arrived at or decision made by the ~~department~~ office.

11          \*~~0610/P3.35~~\*SECTION 2737. 102.01 (2) (em) of the statutes is repealed.

12          \*~~1461/P2.227~~\*SECTION 2738. 102.04 (1) (a) of the statutes is amended to read:

13          102.04 (1) (a) The state, each county, city, town, village, school district, sewer  
14          district, drainage district, ~~long-term care district~~ and other public or quasi-public  
15          corporations therein.

16          \*~~0610/P3.36~~\*SECTION 2739. 102.05 (1) of the statutes is amended to read:

17          102.05 (1) An employer who has had no employee at any time within a  
18          continuous period of 2 years shall be ~~deemed~~ considered to have effected withdrawal,  
19          which shall be effective on the last day of ~~such~~ that period. An employer who has not  
20          usually employed 3 employees and who has not paid wages of at least \$500 for  
21          employment in this state in every calendar quarter in a calendar year may file a  
22          withdrawal notice with the ~~department~~ office, which withdrawal shall take effect 30  
23          days after the date of ~~such~~ that filing or at such later date as is specified in the notice.  
24          If an employer who is subject to this chapter only because the employer elected to  
25          become subject to this chapter under sub. (2) cancels or terminates his or her contract

## SECTION 2739

1 for the insurance of compensation under this chapter, that employer is deemed  
2 considered to have effected withdrawal, which shall be effective on the day after the  
3 contract is canceled or terminated.

4 \*~~0610/P3.37~~SECTION 2740. 102.05 (3) of the statutes is amended to read:

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

15 \*~~0610/P3.38~~SECTION 2741. 102.06 of the statutes is amended to read:

16 **102.06 Joint liability of employer and contractor.** An employer shall be  
17 liable for compensation to an employee of a contractor or subcontractor under the  
18 employer who is not subject to this chapter, or who has not complied with the  
19 conditions of s. 102.28 (2) in any case ~~where such~~ in which the employer would have  
20 been liable for compensation if ~~such~~ the employee had been working directly for the  
21 employer, including also work in the erection, alteration, repair, or demolition of  
22 improvements or of fixtures upon premises of ~~such~~ the employer ~~which~~ that are used  
23 or to be used in the operations of ~~such~~ the employer. The contractor or subcontractor,  
24 if subject to this chapter, shall also be liable for ~~such~~ that compensation, but the  
25 employee shall not recover compensation for the same injury from more than one

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

10 \*~~0610/P3.39~~\*SECTION 2742. 102.07 (1) (a) of the statutes is amended to read:

11 102.07 (1) (a) Every person, including all officials, in the service of the state,  
12 or of any municipality ~~therein~~ in this state, whether elected or under any  
13 appointment, or contract of hire, express or implied, and whether a resident of this  
14 state or employed or injured within or without the state. The state ~~and~~ or any  
15 municipality may require a bond from a contractor to protect the state or  
16 municipality against compensation to employees of ~~such~~ the contractor or employees  
17 of a subcontractor under the contractor. This paragraph does not apply beginning  
18 on the first day of the first July beginning after the day ~~that~~ on which the ~~secretary~~  
19 commissioner files the certificate under s. 102.80 (3) (a), except that if the ~~secretary~~  
20 commissioner files the certificate under s. 102.80 (3) (ag) this paragraph does apply  
21 to claims for compensation filed on or after the date specified in that certificate.

22 \*~~0610/P3.40~~\*SECTION 2743. 102.07 (1) (b) of the statutes is amended to read:

23 102.07 (1) (b) Every person, including all officials, in the service of the state,  
24 or of any municipality ~~therein~~ in this state, whether elected or under any  
25 appointment, or contract of hire, express or implied, and whether a resident of this

1 state or employed or injured within or without the state. This paragraph first applies  
2 on the first day of the first July beginning after the day ~~that~~ on which the secretary  
3 commissioner files the certificate under s. 102.80 (3) (a), except that if the secretary  
4 commissioner files the certificate under s. 102.80 (3) (ag) this paragraph does apply  
5 to claims for compensation filed on or after the date specified in that certificate.

6 \*~~0610/P3.41~~\*SECTION 2744. 102.07 (7) (b) of the statutes is amended to read:

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

13 \*~~0610/P3.42~~\*SECTION 2745. 102.07 (8) (c) of the statutes is amended to read:

14 102.07 (8) (c) The ~~department~~ office may not admit in evidence any state or  
15 federal laws, ~~regulations, documents~~ law, regulation, or document granting  
16 operating authority, or ~~licenses~~ license when determining whether an independent  
17 contractor meets the conditions specified in par. (b) 1. or 3.

18 \*~~0610/P3.43~~\*SECTION 2746. 102.07 (11) of the statutes is amended to read:

19 102.07 (11) The ~~department~~ office may by rule prescribe classes of volunteer  
20 workers who may, at the election of the person for whom the service is being  
21 performed, be deemed considered to be employees for the purposes of this chapter.  
22 Election shall be by endorsement upon ~~the~~ that person's worker's compensation  
23 insurance policy with written notice to the ~~department~~ office. In the case of an  
24 employer that is exempt from insuring liability, election shall be by written notice to  
25 the ~~department~~ office. The ~~department~~ office shall by rule prescribe the means and

1 manner in which notice of election by the employer is to be provided to the volunteer  
2 workers.

3 **\*-0921/P1.1\*SECTION 2747.** 102.07 (12m) of the statutes is renumbered 102.07  
4 (12m) (b) and amended to read:

5 102.07 (12m) (b) A student of a public school, ~~as described in s. 115.01 (1), or~~  
6 ~~a private school, as defined in s. 115.001 (3r),~~ or an institution of higher education,  
7 while he or she is engaged in performing services as part of a school work training,  
8 work experience, or work study program, and who is not on the payroll of an employer  
9 that is providing the work training or work experience or who is not otherwise  
10 receiving compensation on which a worker's compensation carrier could assess  
11 premiums on that employer, is an employee of a school district ~~or~~, private school, or  
12 institution of higher education that elects under s. 102.077 to name the student as  
13 its employee.

14 **\*-0921/P1.2\*SECTION 2748.** 102.07 (12m) (a) of the statutes is created to read:

15 102.07 (12m) (a) In this subsection:

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

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

22 3. "Public school" means a school described in s. 115.01 (1).

23 **\*-0610/P3.44\*SECTION 2749.** 102.076 (2) of the statutes is amended to read:

24 102.076 (2) If a corporation has not more than 10 stockholders, not more than  
25 2 officers, and no other employees and is not otherwise required under this chapter

1 to have a policy of worker's compensation insurance, an officer of that corporation  
2 who elects not to be subject to this chapter shall file a notice of that election with the  
3 ~~department~~ office on a form approved by the ~~department~~ office. The election is  
4 effective until the officer rescinds it the election by notifying the ~~department~~ office  
5 in writing.

6 \*~~0921/P1.3~~\*SECTION 2750. 102.077 (1) of the statutes is amended to read:

7 102.077 (1) A school district ~~or a~~, private school, as ~~defined in s. 115.001 (3r),~~  
8 or institution of higher education may elect to name as its employee for purposes of  
9 this chapter a student described in s. 102.07 (12m) (b) by an endorsement on its policy  
10 of worker's compensation insurance or, if the school district ~~or~~, private school, or  
11 institution of higher education is exempt from the duty to insure under s. 102.28 (2)  
12 (a), by filing a declaration with the department in the manner provided in s. 102.31  
13 (2) (a) naming the student as an employee of the school district ~~or~~, private school, or  
14 institution of higher education for purposes of this chapter. A declaration under this  
15 subsection shall list the name of the student to be covered under this chapter, the  
16 name and address of the employer that is providing the work training or work  
17 experience for that student, and the title, if any, of the work training, work  
18 experience, or work study program in which the student is participating.

19 \*~~0610/P3.45~~\*SECTION 2751. 102.077 (1) of the statutes, as affected by 2015  
20 Wisconsin Act .... (this act), is amended to read:

21 102.077 (1) A school district, private school, or institution of higher education  
22 may elect to name as its employee for purposes of this chapter a student described  
23 in s. 102.07 (12m) (b) by an endorsement on its policy of worker's compensation  
24 insurance or, if the school district, private school, or institution of higher education  
25 is exempt from the duty to insure under s. 102.28 (2) (a), by filing a declaration with

1 the ~~department office~~ in the manner provided in s. 102.31 (2) (a) naming the student  
2 as an employee of the school district, private school, or institution of higher education  
3 for purposes of this chapter. A declaration under this subsection shall list the name  
4 of the student to be covered under this chapter, the name and address of the employer  
5 that is providing the work training or work experience for that student, and the title,  
6 if any, of the work training, work experience, or work study program in which the  
7 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.

8 \*-0921/P1.4\*SECTION 2752. 102.077 (2) of the statutes is amended to read:

9 102.077 (2) A school district ~~or~~, private school, or institution of higher  
10 education may revoke a declaration under sub. (1) by providing written notice to the  
11 department in the manner provided in s. 102.31 (2) (a), the student, and the employer  
12 who is providing the work training or work experience for that student. A revocation  
13 under this subsection is effective 30 days after the department receives notice of that  
14 revocation.

15 \*-0610/P3.46\*SECTION 2753. 102.077 (2) of the statutes, as affected by 2015  
16 Wisconsin Act .... (this act), is amended to read:

17 102.077 (2) A school district, private school, or institution of higher education  
18 may revoke a declaration under sub. (1) by providing written notice to the  
19 ~~department office~~ in the manner provided in s. 102.31 (2) (a), the student, and the  
20 employer who is providing the work training or work experience for that student.  
21 A revocation under this subsection is effective 30 days after the ~~department office~~  
22 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.

1           \*-0610/P3.47\*SECTION 2754. 102.08 of the statutes is amended to read:

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

15           \*-0610/P3.48\*SECTION 2755. 102.11 (1) (am) 1. of the statutes is amended to  
16 read:

17           102.11 (1) (am) 1. The employee is a member of a class of employees that does  
18 the same type of work at the same location and, in the case of an employee in the  
19 service of the state, is employed in the same office, department, independent agency,  
20 authority, institution, association, society, or other body in state government or, if the  
21 ~~department~~ office determines appropriate, in the same subunit of an office,  
22 department, independent agency, authority, institution, association, society, or other  
23 body in state government.

24           \*-0610/P3.49\*SECTION 2756. 102.12 of the statutes is amended to read:



1           **102.12 Notice of injury, exception, laches.** No claim for compensation may  
2 be maintained unless, within 30 days after the occurrence of the injury or within 30  
3 days after the employee knew or ought to have known the nature of his or her  
4 disability and its relation to the employment, actual notice was received by the  
5 employer or by an officer, manager, or designated representative of an employer. If  
6 no representative has been designated by posters placed in one or more conspicuous  
7 places where notices to employees are customarily posted, then notice received by  
8 any superior is sufficient. Absence of notice does not bar recovery if it is found that  
9 the employer was not misled ~~thereby~~ by that absence. Regardless of whether notice  
10 was received, if no payment of compensation, other than medical treatment or burial  
11 expense, is made, ~~and~~ and if no application is filed with the ~~department~~ office within  
12 2 years ~~from~~ after the date of the injury or death, ~~or from~~ or the date the employee  
13 or his or her dependent knew or ought to have known the nature of the disability and  
14 its relation to the employment, the right to compensation ~~therefor~~ for the injury or  
15 death is barred, except that the right to compensation is not barred if the employer  
16 knew or should have known, within the 2-year period, that the employee had  
17 sustained the injury on which the claim is based. Issuance of notice of a hearing on  
18 the ~~department's~~ division's own motion has the same effect for the purposes of this  
19 section as the filing of an application. This section does not affect any claim barred  
20 under s. 102.17 (4).

21           \*~~0610/P3.50~~\*SECTION 2757. 102.125 of the statutes is amended to read:

22           **102.125 Fraudulent claims reporting and investigation.** If an insurer or  
23 self-insured employer has evidence that a claim is false or fraudulent in violation of  
24 s. 943.395 and if the insurer or self-insured employer is satisfied that reporting the  
25 claim to the ~~department~~ office will not impede its ability to defend the claim, the

1 insurer or self-insured employer shall report the claim to the ~~department~~ office. The  
2 ~~department~~ office may require an insurer or self-insured employer to investigate an  
3 allegedly false or fraudulent claim and may provide the insurer or self-insured  
4 employer with any records of the ~~department~~ office relating to that claim. An insurer  
5 or self-insured employer that investigates a claim under this section shall report on  
6 the results of that investigation to the ~~department~~ office. If based on the  
7 investigation the ~~department~~ office has a reasonable basis to believe that a violation  
8 of s. 943.395 has occurred, the ~~department~~ office shall refer the results of the  
9 investigation to the district attorney of the county in which the alleged violation  
10 occurred for prosecution.

11 \***-0610/P3.51**\*SECTION 2758. 102.13 (1) (c) of the statutes is amended to read:

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

20 \***-0610/P3.52**\*SECTION 2759. 102.13 (1) (d) 2. of the statutes is amended to  
21 read:

22 102.13 (1) (d) 2. Any physician, chiropractor, psychologist, dentist, physician  
23 assistant, advanced practice nurse prescriber, or podiatrist who attended a worker's  
24 compensation claimant for any condition or complaint reasonably related to the

1 condition for which the claimant claims compensation may be required to testify  
2 before the department division when the department division so directs.

3 \*~~0610/P3.53~~SECTION 2760. 102.13 (1) (d) 3. of the statutes is amended to  
4 read:

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

12 \*~~0610/P3.54~~SECTION 2761. 102.13 (1) (f) of the statutes is amended to read:

13 102.13 (1) (f) If an employee claims compensation under s. 102.81 (1), the  
14 department office may require the employee to submit to physical or vocational  
15 examinations under this subsection.

16 \*~~0610/P3.55~~SECTION 2762. 102.13 (2) (a) of the statutes is amended to read:

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

1 that person with any information or written material reasonably related to any  
2 injury for which the employee claims compensation.

3 \***-0610/P3.56**\*SECTION 2763. 102.13 (2) (c) of the statutes is amended to read:

4 102.13 (2) (c) Except as provided in this paragraph, if an injured employee has  
5 a period of temporary disability that exceeds 3 weeks or a permanent disability, if the  
6 injured employee has undergone surgery to treat his or her injury, other than surgery  
7 to correct a hernia, or if the injured employee sustained an eye injury requiring  
8 medical treatment on 3 or more occasions off the employer's premises, the  
9 ~~department~~ office may by rule require the insurer or self-insured employer to submit  
10 to the ~~department~~ office a final report of the employee's treating practitioner. The  
11 ~~department~~ office may not require an insurer or self-insured employer to submit to  
12 the ~~department~~ office a final report of an employee's treating practitioner when the  
13 insurer or self-insured employer denies the employee's claim for compensation and  
14 the employee does not contest that denial. A treating practitioner may charge a  
15 reasonable fee for the completion of the final report, but may not require prepayment  
16 of that fee. An insurer or self-insured employer that disputes the reasonableness of  
17 a fee charged for the completion of a treatment practitioner's final report may submit  
18 that dispute to the ~~department~~ office for resolution under s. 102.16 (2).

19 \***-0610/P3.57**\*SECTION 2764. 102.13 (3) of the statutes is amended to read:

20 102.13 (3) If 2 or more physicians, chiropractors, psychologists, dentists or  
21 podiatrists disagree as to the extent of an injured employee's temporary disability,  
22 the end of an employee's healing period, an employee's ability to return to work at  
23 suitable available employment, or the necessity for further treatment or for a  
24 particular type of treatment, the department division may appoint another  
25 physician, chiropractor, psychologist, dentist or podiatrist to examine the employee

1 and render an opinion as soon as possible. The ~~department~~ division shall promptly  
2 notify the parties of this appointment. If the employee has not returned to work,  
3 payment for temporary disability shall continue until the ~~department~~ division  
4 receives the opinion. The employer or its insurance carrier or both shall pay for the  
5 examination and opinion. The employer or insurance carrier or both shall receive  
6 appropriate credit for any overpayment to the employee determined by the  
7 ~~department~~ division after receipt of the opinion.

8 \*~~0610/P3.58~~\*SECTION 2765. 102.13 (4) of the statutes is amended to read:

9 102.13 (4) The ~~rights of employees~~ right of an employee to begin or maintain  
10 proceedings for the collection of compensation and to receive weekly indemnities  
11 ~~which that~~ that accrue and become payable shall not be suspended or barred under sub.  
12 (1) when ~~an~~ the employee refuses to submit to a physical examination, upon the  
13 request of the employer or worker's compensation insurer or at the direction of the  
14 ~~department~~ division or an examiner, ~~which that~~ that would require the employee to travel  
15 a distance of 100 miles or more from his or her place of residence, unless the employee  
16 has claimed compensation for treatment from a practitioner whose office is located  
17 100 miles or more from the employee's place of residence or the ~~department~~ division  
18 or examiner determines that any other circumstances warrant the examination. If  
19 the employee has claimed compensation for treatment from a practitioner whose  
20 office is located 100 miles or more from the employee's place of residence, the  
21 employer or insurer may request, or the ~~department~~ division or an examiner may  
22 direct, the employee to submit to a physical examination in the area where the  
23 employee's treatment practitioner is located.

24 \*~~0610/P3.59~~\*SECTION 2766. 102.13 (5) of the statutes is amended to read:

## SECTION 2766

1           102.13 (5) The ~~department~~ division may refuse to receive testimony as to  
2 conditions determined from an autopsy if it appears that the party offering the  
3 testimony had procured the autopsy and had failed to make reasonable effort to  
4 notify at least one party in adverse interest or the ~~department~~ division at least 12  
5 hours before the autopsy of the time and place ~~it~~ at which the autopsy would be  
6 performed, or that the autopsy was performed by or at the direction of the coroner  
7 or medical examiner or at the direction of the district attorney for purposes not  
8 authorized by under ch. 979. The ~~department~~ division may withhold findings until  
9 an autopsy is held in accordance with its directions.

10           \*-0610/P3.60\*SECTION 2767. 102.14 (title) of the statutes is amended to read:

11           102.14 (title) **Jurisdiction of department office; advisory committee.**

12           \*-0610/P3.61\*SECTION 2768. 102.14 (1) of the statutes is amended to read:

13           102.14 (1) ~~This~~ Except as otherwise provided, this chapter shall be  
14 administered by the ~~department~~ office.

15           \*-0610/P3.62\*SECTION 2769. 102.14 (2) of the statutes is amended to read:

16           102.14 (2) The council on worker's compensation shall advise the ~~department~~  
17 office in carrying out the purposes of this chapter. ~~Such council,~~ shall submit its  
18 recommendations with respect to amendments to this chapter to each regular  
19 session of the legislature, and shall report its views upon any pending bill relating  
20 to this chapter to the proper legislative committee. At the request of the chairpersons  
21 of the senate and assembly committees on labor, the ~~department~~ office shall schedule  
22 a meeting of the council with the members of the senate and assembly committees  
23 on labor to review and discuss matters of legislative concern arising under this  
24 chapter.

25           \*-0610/P3.63\*SECTION 2770. 102.15 (1) of the statutes is amended to read:

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

3           \*~~-0610/P3.64~~\*SECTION 2771. 102.15 (2) of the statutes is amended to read:

4           102.15 (2) The ~~department~~ division may provide by rule the conditions under  
5 which transcripts or electronic recordings of testimony and proceedings shall be  
6 furnished.

7           \*~~-0610/P3.65~~\*SECTION 2772. 102.15 (3) of the statutes is amended to read:

8           102.15 (3) All testimony at any hearing held under this chapter shall be taken  
9 down by a stenographic reporter, except that in case of an emergency, as determined  
10 by recorded by electronic means. That testimony need not be transcribed, unless the  
11 examiner conducting the hearing, testimony may be recorded by a recording machine  
12 orders otherwise. The division shall furnish a copy of an electronic recording made  
13 under this subsection or a transcript ordered under this subsection to the parties  
14 upon payment of any fee required by the division by rule.

15           \*~~-0610/P3.66~~\*SECTION 2773. 102.16 (1) of the statutes is amended to read:

16           102.16 (1) Any controversy concerning compensation or a violation of sub. (3),  
17 including ~~controversies~~ a controversy in which the state may be a party, shall be  
18 submitted to the ~~department~~ division in the manner and with the effect provided in  
19 this chapter. ~~Every compromise of any claim for compensation may be reviewed and~~  
20 ~~set aside, modified or confirmed by the department within~~ Within one year from after  
21 the date the on which a compromise of any claim for compensation is filed with the  
22 department, or from division or the date on which an award has been entered, based  
23 thereon, or the department may take that action based on a compromise, the  
24 division, on its own motion or upon application made within one year that period,  
25 may review and set aside, modify, or confirm the compromise. Unless the word

1 “compromise” appears in a stipulation of settlement, the settlement shall not be  
2 deemed considered a compromise, and further claim is not barred except as provided  
3 in s. 102.17 (4) regardless of whether an award is made. The employer, insurer, or  
4 dependent under s. 102.51 (5) shall have equal rights with the employee to have  
5 review of a compromise or any other stipulation of settlement reviewed under this  
6 subsection. Upon petition filed with the ~~department~~ division, the ~~department~~  
7 division may set aside the award or otherwise determine the rights of the parties.

8 \*~~0610/P3.67~~SECTION 2774. 102.16 (1m) (a) of the statutes is amended to  
9 read:

10 102.16 (1m) (a) If an insurer or self-insured employer concedes by compromise  
11 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
12 employer is liable under this chapter for any health services provided to an injured  
13 employee by a health service provider, but disputes the reasonableness of the fee  
14 charged by the health service provider, the ~~department~~ division may include in its  
15 order confirming the compromise or stipulation a determination made by the office  
16 under sub. (2) as to the reasonableness of the fee or ~~the department, if such a~~  
17 determination has not yet been made, the division may notify, or direct the insurer  
18 or self-insured employer to notify, the health service provider under sub. (2) (b) that  
19 the reasonableness of the fee is in dispute. ~~The department shall deny payment of~~  
20 ~~a health service fee that the department determines under this paragraph to be~~  
21 ~~unreasonable. A health service provider and an insurer or self-insured employer~~  
22 ~~that are parties to a fee dispute under this paragraph are bound by the department's~~  
23 ~~determination under this paragraph on the reasonableness of the disputed fee,~~  
24 ~~unless that determination is set aside, reversed, or modified by the department~~  
25 ~~under sub. (2) (f) or is set aside on judicial review as provided in sub. (2) (f).~~



1           \*~~0610/P3.68~~SECTION 2775. 102.16 (1m) (b) of the statutes is amended to  
2 read:

3           102.16 (1m) (b) If an insurer or self-insured employer concedes by compromise  
4 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
5 employer is liable under this chapter for any treatment provided to an injured  
6 employee by a health service provider, but disputes the necessity of the treatment,  
7 the department division may include in its order confirming the compromise or  
8 stipulation a determination made by the office under sub. (2m) as to the necessity of  
9 the treatment or ~~the department, if such a determination has not yet been made, the~~  
10 division may notify, or direct the insurer or self-insured employer to notify, the  
11 health service provider under sub. (2m) (b) that the necessity of the treatment is in  
12 dispute. ~~Before determining under this paragraph the necessity of treatment~~  
13 ~~provided to an injured employee, the department may, but is not required to, obtain~~  
14 ~~the opinion of an expert selected by the department who is qualified as provided in~~  
15 ~~sub. (2m) (e). The standards promulgated under sub. (2m) (g) shall be applied by an~~  
16 ~~expert and by the department in rendering an opinion as to, and in determining,~~  
17 ~~necessity of treatment under this paragraph. In cases in which no standards~~  
18 ~~promulgated under sub. (2m) (g) apply, the department shall find the facts regarding~~  
19 ~~necessity of treatment. The department shall deny payment for any treatment that~~  
20 ~~the department determines under this paragraph to be unnecessary. A health~~  
21 ~~service provider and an insurer or self-insured employer that are parties to a dispute~~  
22 ~~under this paragraph over the necessity of treatment are bound by the department's~~  
23 ~~determination under this paragraph on the necessity of the disputed treatment,~~  
24 ~~unless that determination is set aside, reversed, or modified by the department~~  
25 ~~under sub. (2m) (e) or is set aside on judicial review as provided in sub. (2m) (e).~~

## SECTION 2776

1           \*~~0610/P3.69~~\*SECTION 2776. 102.16 (1m) (c) of the statutes is amended to  
2 read:

3           102.16 (1m) (c) If an insurer or self-insured employer concedes by compromise  
4 under sub. (1) or stipulation under s. 102.18 (1) (a) that the insurer or self-insured  
5 employer is liable under this chapter for the cost of a prescription drug dispensed  
6 under s. 102.425 (2) for outpatient use by an injured employee, but disputes the  
7 reasonableness of the amount charged for the prescription drug, the department  
8 division may include in its order confirming the compromise or stipulation a  
9 determination made by the office under s. 102.425 (4m) as to the reasonableness of  
10 the prescription drug charge or ~~the department, if such a determination has not yet~~  
11 been made, the division may notify, or direct the insurer or self-insured employer to  
12 notify, the pharmacist or practitioner dispensing the prescription drug under s.  
13 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in  
14 dispute. ~~The department shall deny payment of a prescription drug charge that the~~  
15 ~~department determines under this paragraph to be unreasonable. A pharmacist or~~  
16 ~~practitioner and an insurer or self-insured employer that are parties to a dispute~~  
17 ~~under this paragraph over the reasonableness of a prescription drug charge are~~  
18 ~~bound by the department's determination under this paragraph on the~~  
19 ~~reasonableness of the disputed prescription drug charge, unless that determination~~  
20 ~~is set aside, reversed, or modified by the department under s. 102.425 (4m) (e) or is~~  
21 ~~set aside on judicial review as provided in s. 102.425 (4m) (e).~~

22           \*~~0610/P3.70~~\*SECTION 2777. 102.16 (2) (a) of the statutes is amended to read:

23           102.16 (2) (a) Except as provided in this paragraph, the department office has  
24 jurisdiction ~~under this subsection, sub. (1m) (a), and s. 102.17~~ to resolve a dispute  
25 between a health service provider and an insurer or self-insured employer over the

1       reasonableness of a fee charged by the health service provider for health services  
2       provided to an injured employee who claims benefits under this chapter. A health  
3       service provider may not submit a fee dispute to the ~~department~~ office under this  
4       subsection before all treatment by the health service provider of the employee's  
5       injury has ended if the amount in controversy, whether based on a single charge or  
6       a combination of charges for one or more days of service, is less than \$25. After all  
7       treatment by a health service provider of an employee's injury has ended, the health  
8       service provider may submit any fee dispute to the ~~department~~ office, regardless of  
9       the amount in controversy. The ~~department~~ office shall deny payment of a health  
10      service fee that the ~~department~~ office determines under this subsection to be  
11      unreasonable.

12           \*~~0610/P3.71~~\*SECTION 2778. 102.16 (2) (am) of the statutes is amended to  
13      read:

14           102.16 (2) (am) A health service provider and an insurer or self-insured  
15      employer that are parties to a fee dispute under this subsection are bound by the  
16      ~~department's~~ office's determination under this subsection on the reasonableness of  
17      the disputed fee, unless that determination is set aside on judicial review as provided  
18      in par. (f).

19           \*~~0610/P3.72~~\*SECTION 2779. 102.16 (2) (b) of the statutes is amended to read:

20           102.16 (2) (b) An insurer or self-insured employer that disputes the  
21      reasonableness of a fee charged by a health service provider or the ~~department~~ office  
22      under sub. (1m) (a) or s. 102.18 (1) (bg) 1. shall provide reasonable written notice to  
23      the health service provider that the fee is being disputed. After receiving reasonable  
24      written notice under this paragraph or under sub. (1m) (a) or s. 102.18 (1) (bg) 1. that  
25      a health service fee is being disputed, a health service provider may not collect the

1       disputed fee from, or bring an action for collection of the disputed fee against, the  
2       employee who received the services for which the fee was charged.

3       \*~~0610/P3.73~~**SECTION 2780.** 102.16 (2) (c) of the statutes is amended to read:

4       102.16 (2) (c) After a fee dispute is submitted to the department office, the  
5       insurer or self-insured employer that is a party to the dispute shall provide to the  
6       department office information on that fee and information on fees charged by other  
7       health service providers for comparable services. The insurer or self-insured  
8       employer shall obtain the information on comparable fees from a database that is  
9       certified by the department office under par. (h). Except as provided in par. (e) 1., if  
10      the insurer or self-insured employer does not provide the information required  
11      under this paragraph, the department office shall determine that the disputed fee  
12      is reasonable and order that it be paid. If the insurer or self-insured employer  
13      provides the information required under this paragraph, the department office shall  
14      use that information to determine the reasonableness of the disputed fee.

15      \*~~0610/P3.74~~**SECTION 2781.** 102.16 (2) (d) of the statutes is amended to read:

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

1 if the disputed fee is above the mean fee for the health service procedure for which  
2 the disputed fee was charged, plus 1.2 standard deviations from that mean, as shown  
3 by data from a database that is certified by the department office under par. (h),  
4 unless the health service provider proves to the satisfaction of the department office  
5 that a higher fee is justified because the service provided in the disputed case was  
6 more difficult or more complicated to provide than in the usual case.

7 \*~~0610/P3.75~~**SECTION 2782.** 102.16 (2) (e) 1. of the statutes is amended to  
8 read:

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

17 \*~~0610/P3.76~~**SECTION 2783.** 102.16 (2) (e) 2. of the statutes is amended to  
18 read:

19 102.16 (2) (e) 2. Notwithstanding subd. 1., the department office may use only  
20 a hospital radiology database that has been certified by the department office under  
21 par. (h) to determine the reasonableness of a hospital fee for radiology services.

22 \*~~0610/P3.77~~**SECTION 2784.** 102.16 (2) (f) of the statutes is amended to read:

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

## SECTION 2784

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

6 **\*-0610/P3.78\*SECTION 2785.** 102.16 (2) (h) of the statutes is amended to read:

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

16 **\*-0610/P3.79\*SECTION 2786.** 102.16 (2m) (a) of the statutes is amended to  
17 read:

18 102.16 (2m) (a) Except as provided in this paragraph, the ~~department~~ office  
19 has jurisdiction ~~under this subsection, sub. (1m) (b), and s. 102.17~~ to resolve a dispute  
20 between a health service provider and an insurer or self-insured employer over the  
21 necessity of treatment provided for an injured employee who claims benefits under  
22 this chapter. A health service provider may not submit a dispute over necessity of  
23 treatment to the ~~department~~ office under this subsection before all treatment by the  
24 health service provider of the employee's injury has ended if the amount in  
25 controversy, whether based on a single charge or a combination of charges for one or

1 more days of service, is less than \$25. After all treatment by a health service provider  
2 of an employee's injury has ended, the health service provider may submit any  
3 dispute over necessity of treatment to the ~~department~~ office, regardless of the  
4 amount in controversy. The ~~department~~ office shall deny payment for any treatment  
5 that the ~~department~~ office determines under this subsection to be unnecessary.

6 \***-0610/P3.80**\*SECTION 2787. 102.16 (2m) (am) of the statutes is amended to  
7 read:

8 102.16 (2m) (am) A health service provider and an insurer or self-insured  
9 employer that are parties to a dispute under this subsection over the necessity of  
10 treatment are bound by the ~~department's~~ office's determination under this  
11 subsection on the necessity of the disputed treatment, unless that determination is  
12 set aside on judicial review as provided in par. (e).

13 \***-0610/P3.81**\*SECTION 2788. 102.16 (2m) (b) of the statutes is amended to  
14 read:

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

24 \***-0610/P3.82**\*SECTION 2789. 102.16 (2m) (c) of the statutes is amended to  
25 read:

## SECTION 2789

1           102.16 (2m) (c) Before determining under this subsection the necessity of  
2 treatment provided for an injured employee who claims benefits under this chapter,  
3 the department office shall obtain a written opinion on the necessity of the treatment  
4 in dispute from an expert selected by the department office. To qualify as an expert,  
5 a person must be licensed to practice the same health care profession as the  
6 individual health service provider whose treatment is under review and must either  
7 be performing services for an impartial health care services review organization or  
8 be a member of an independent panel of experts established by the department office  
9 under par. (f). The standards promulgated under par. (g) shall be applied by an  
10 expert and by the department office in rendering an opinion as to, and in  
11 determining, necessity of treatment under this paragraph. In cases in which no  
12 standards promulgated under sub. (2m) (g) apply, the department office shall find  
13 the facts regarding necessity of treatment. The department office shall adopt the  
14 written opinion of the expert as the department's office's determination on the issues  
15 covered in the written opinion, unless the health service provider or the insurer or  
16 self-insured employer present clear and convincing written evidence that the  
17 expert's opinion is in error.

18           \*~~0610/P3.83~~SECTION 2790. 102.16 (2m) (d) of the statutes is amended to  
19 read:

20           102.16 (2m) (d) The department office may charge a party to a dispute over the  
21 necessity of treatment provided for an injured employee who claims benefits under  
22 this chapter for the full cost of obtaining the written opinion of the expert under par.  
23 (c). The department office shall charge the insurer or self-insured employer for the  
24 full cost of obtaining the written opinion of the expert for the first dispute that a  
25 particular individual health service provider is involved in, unless the department



1 office determines that the individual health service provider's position in the dispute  
2 is frivolous or based on fraudulent representations. In a subsequent dispute  
3 involving the same individual health service provider, the ~~department~~ office shall  
4 charge the losing party to the dispute for the full cost of obtaining the written opinion  
5 of the expert.

6 \*~~0610/P3.84~~\*SECTION 2791. 102.16 (2m) (e) of the statutes is amended to  
7 read:

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

16 \*~~0610/P3.85~~\*SECTION 2792. 102.16 (2m) (f) of the statutes is amended to  
17 read:

18 102.16 (2m) (f) The ~~department~~ office may contract with an impartial health  
19 care services review organization to provide the expert opinions required under par.  
20 (c), or establish a panel of experts to provide those opinions, or both. If the  
21 ~~department~~ office establishes a panel of experts to provide the expert opinions  
22 required under par. (c), the ~~department~~ office may pay the members of that panel a  
23 reasonable fee, plus actual and necessary expenses, for their services.

24 \*~~0610/P3.86~~\*SECTION 2793. 102.16 (2m) (g) of the statutes is amended to  
25 read:

## SECTION 2793

1           102.16 (2m) (g) The ~~department~~ office shall promulgate rules establishing  
2 procedures and requirements for the necessity of treatment dispute resolution  
3 process under this subsection, including rules setting the fees under par. (f) and rules  
4 establishing standards for determining the necessity of treatment provided to an  
5 injured employee. Before the ~~department~~ office may amend the rules establishing  
6 those standards, the ~~department~~ office shall establish an advisory committee under  
7 s. 227.13 composed of health care providers providing treatment under s. 102.42 to  
8 advise the ~~department~~ office and the council on worker's compensation on amending  
9 those rules.

10           \*~~0610/P3.87~~\*SECTION 2794. 102.16 (4) of the statutes is amended to read:

11           102.16 (4) The ~~department~~ division has jurisdiction to pass on any question  
12 arising out of sub. (3) and has jurisdiction to order the employer to reimburse an  
13 employee or other person for any sum deducted from wages or paid by him or her in  
14 violation of that subsection. In addition to the penalty provided in s. 102.85 (1), any  
15 employer violating sub. (3) shall be liable to an injured employee for the reasonable  
16 value of the necessary services rendered to that employee ~~pursuant to~~ under any  
17 arrangement made in violation of sub. (3) without regard to that employee's actual  
18 disbursements for ~~the same~~ those services.

19           \*~~0610/P3.88~~\*SECTION 2795. 102.17 (1) (a) 1. of the statutes is amended to  
20 read:

21           102.17 (1) (a) 1. Upon the filing with the ~~department~~ division by any party in  
22 interest of any application in writing stating the general nature of any claim as to  
23 which any dispute or controversy may have arisen, the ~~department~~ division shall  
24 electronically deliver or mail a copy of the application to all other parties in interest,

1 and the insurance carrier shall be considered a party in interest. The department  
2 division may bring in additional parties by service of a copy of the application.

3 \*~~0610/P3.89~~SECTION 2796. 102.17 (1) (a) 2. of the statutes is amended to  
4 read:

5 102.17 (1) (a) 2. Subject to subd. 3., the department division shall cause notice  
6 of hearing on the application to be given to each interested party, by service of that  
7 notice on the interested party personally, by electronically delivering a copy of that  
8 notice to the interested party, or by mailing a copy of that notice to the interested  
9 party's last-known address at least 10 days before the hearing. If a party in interest  
10 is located without this state, and has no post-office address within this state, the  
11 copy of the application and copies of all notices shall be filed with the department  
12 of financial institutions and professional standards and shall also be sent by  
13 registered or certified mail to the last-known post-office address of the party. Such  
14 filing and mailing shall constitute sufficient service, with the same effect as if served  
15 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.

16 \*~~0610/P3.90~~SECTION 2797. 102.17 (1) (a) 3. of the statutes is amended to  
17 read:

18 102.17 (1) (a) 3. If a party in interest claims that the employer or insurer has  
19 acted with malice or bad faith, as described in s. 102.18 (1) (b) or (bp), that party shall  
20 provide written notice stating with reasonable specificity the basis for the claim to  
21 the employer, the insurer, the office, and the department division before the  
22 department division schedules a hearing on the claim of malice or bad faith.

## SECTION 2798

1           \***-0610/P3.91**\*SECTION 2798. 102.17 (1) (a) 4. of the statutes is amended to  
2 read:

3           102.17 (1) (a) 4. The hearing may be adjourned in the discretion of the  
4 department division, and hearings may be held at such places as the department  
5 division designates, within or without the state. The department division may also  
6 arrange to have hearings held by the commission, officer, or tribunal having  
7 authority to hear cases arising under the worker's compensation law of any other  
8 state, of the District of Columbia, or of any territory of the United States, with the  
9 testimony and proceedings at any such hearing to be reported to the department  
10 division and to be made part of the record in the case. Any evidence so taken shall  
11 be subject to rebuttal upon final hearing before the department division.

12           \***-0610/P3.92**\*SECTION 2799. 102.17 (1) (b) of the statutes is amended to read:

13           102.17 (1) (b) In any dispute or controversy pending before the department  
14 division, the department division may direct the parties to appear before an  
15 examiner for a conference to consider the clarification of issues, the joining of  
16 additional parties, the necessity or desirability of amendments to the pleadings, the  
17 obtaining of admissions of fact or of documents, records, reports, and bills ~~which~~ that  
18 may avoid unnecessary proof, and such other matters as may aid in disposition of the  
19 dispute or controversy. After ~~this~~ that conference the department division may issue  
20 an order requiring disclosure or exchange of any information or written material  
21 ~~which it~~ that the division considers material to the timely and orderly disposition of  
22 the dispute or controversy. If a party fails to disclose or exchange that information  
23 within the time stated in the order, the department division may issue an order  
24 dismissing the claim without prejudice or excluding evidence or testimony relating

1 to the information or written material. The ~~department~~ division shall provide each  
2 party with a copy of any order issued under this paragraph.

3 \*~~0610/P3.93~~SECTION 2800. 102.17 (1) (c) of the statutes is renumbered  
4 102.17 (1) (c) 1. and amended to read:

5 102.17 (1) (c) 1. Any party shall have the right to be present at any hearing,  
6 in person or by attorney or any other agent, and to present such testimony as may  
7 be pertinent to the controversy before the ~~department~~ division. No person, firm, or  
8 corporation, other than an attorney at law who is licensed to practice law in the state,  
9 may appear on behalf of any party in interest before the ~~department~~ division or any  
10 member or employee of the ~~department~~ division assigned to conduct any hearing,  
11 investigation, or inquiry relative to a claim for compensation or benefits under this  
12 chapter, unless the person is 18 years of age or older, does not have an arrest or  
13 conviction record, subject to ss. 111.321, 111.322 and 111.335, is otherwise qualified,  
14 and has obtained from the ~~department~~ office a license with authorization to appear  
15 in matters or proceedings before the ~~department~~ division. Except as provided under  
16 pars. (cm), (cr), and (ct), the license shall be issued by the ~~department~~ office under  
17 rules promulgated by the ~~department~~ office. The ~~department~~ office shall maintain  
18 in its office a current list of persons to whom licenses have been issued.

19 2. Any license issued under subd. 1. may be suspended or revoked by the  
20 ~~department~~ office for fraud or serious misconduct on the part of an agent, any license  
21 may be denied, suspended, nonrenewed, or otherwise withheld by the ~~department~~  
22 office for failure to pay court-ordered payments as provided in par. (cm) on the part  
23 of an agent, and any license may be denied or revoked if the department of revenue  
24 certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes  
25 or if the department of workforce development determines under ~~par. (ct)~~ s. 108.227

## SECTION 2800

1 that the applicant or licensee is liable for delinquent unemployment insurance  
2 contributions. Before suspending or revoking the license of the agent on the grounds  
3 of fraud or misconduct, the ~~department~~ office shall give notice in writing to the agent  
4 of the charges of fraud or misconduct and shall give the agent full opportunity to be  
5 heard in relation to those charges. In denying, suspending, restricting, refusing to  
6 renew, or otherwise withholding a license for failure to pay court-ordered payments  
7 as provided in par. (cm), the ~~department~~ office shall follow the procedure provided  
8 in a memorandum of understanding entered into under s. 49.857. ~~The license and~~  
9 ~~certificate of authority shall, unless~~

10 3. Unless otherwise suspended or revoked, a license issued under subd. 1. shall  
11 be in force from the date of issuance until the June 30 following the date of issuance  
12 and may be renewed by the ~~department~~ office from time to time, but each renewed  
13 license shall expire on the June 30 following the issuance of the renewed license.

14 **\*-0610/P3.94\*SECTION 2801.** 102.17 (1) (cg) 1. of the statutes is amended to  
15 read:

16 102.17 (1) (cg) 1. Except as provided in subd. 2m., the ~~department~~ office shall  
17 require each applicant for a license under par. (c) who is an individual to provide the  
18 ~~department~~ office with the applicant's social security number, and shall require each  
19 applicant for a license under par. (c) who is not an individual to provide the  
20 ~~department~~ office with the applicant's federal employer identification number, when  
21 initially applying for or applying to renew the license.

22 **\*-0610/P3.95\*SECTION 2802.** 102.17 (1) (cg) 2. of the statutes is amended to  
23 read:

24 102.17 (1) (cg) 2. If an applicant who is an individual fails to provide the  
25 applicant's social security number to the ~~department~~ office or if an applicant who is

1 not an individual fails to provide the applicant's federal employer identification  
2 number to the department office, the department office may not issue or renew a  
3 license under par. (c) to or for the applicant unless the applicant is an individual who  
4 does not have a social security number and the applicant submits a statement made  
5 or subscribed under oath or affirmation as required under subd. 2m.

6 \*~~0610/P3.96~~SECTION 2803. 102.17 (1) (cg) 2m. of the statutes is amended to  
7 read:

8 102.17 (1) (cg) 2m. If an applicant who is an individual does not have a social  
9 security number, the applicant shall submit a statement made or subscribed under  
10 oath or affirmation to the department office that the applicant does not have a social  
11 security number. The form of the statement shall be prescribed by the department  
12 office. A license issued in reliance upon a false statement submitted under this  
13 subdivision is invalid.

14 \*~~0610/P3.97~~SECTION 2804. 102.17 (1) (cg) 3. of the statutes is amended to  
15 read:

16 102.17 (1) (cg) 3. The ~~department of workforce development~~ office may not  
17 disclose any information received under subd. 1. to any person except to the  
18 department of revenue for the sole purpose of requesting certifications under s.  
19 73.0301, the department of workforce development for the sole purpose of requesting  
20 certifications under s. 108.227, or the department of children and families for  
21 purposes of administering s. 49.22.

22 \*~~0610/P3.98~~SECTION 2805. 102.17 (1) (cm) of the statutes is amended to  
23 read:

24 102.17 (1) (cm) The ~~department of workforce development~~ office shall deny,  
25 suspend, restrict, refuse to renew, or otherwise withhold a license under par. (c) for

## SECTION 2805

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

11 **\*-0610/P3.99\*SECTION 2806.** 102.17 (1) (cr) of the statutes is amended to read:

12 102.17 (1) (cr) The ~~department~~ office shall deny an application for the issuance  
13 or renewal of a license under par. (c), or revoke such a license already issued, if the  
14 department of revenue certifies under s. 73.0301 that the applicant or licensee is  
15 liable for delinquent taxes. Notwithstanding par. (c), an action taken under this  
16 paragraph is subject to review only as provided under s. 73.0301 (5) and not as  
17 provided in ch. 227.

18 **\*-0610/P3.100\*SECTION 2807.** 102.17 (1) (ct) of the statutes is repealed and  
19 recreated to read:

20 102.17 (1) (ct) The office shall deny an application for the issuance or renewal  
21 of a license under par. (c), or revoke such a license already issued, if the department  
22 of workforce development certifies under s. 108.227 that the applicant or licensee is  
23 liable for delinquent unemployment insurance contributions. Notwithstanding par.  
24 (c), an action taken under this paragraph is subject to review only as provided under  
25 s. 108.227 (5) and not as provided in ch. 227.



1           \***-0610/P3.101\*SECTION 2808.** 102.17 (1) (d) 1. of the statutes is amended to  
2 read:

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

23           \***-0610/P3.102\*SECTION 2809.** 102.17 (1) (d) 2. of the statutes is amended to  
24 read:

## SECTION 2809

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

9           \*~~0610/P3.103~~\*SECTION 2810. 102.17 (1) (d) 3. of the statutes is amended to  
10          read:

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

19          \*~~0610/P3.104~~\*SECTION 2811. 102.17 (1) (d) 4. of the statutes is amended to  
20          read:

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

24          \*~~0610/P3.105~~\*SECTION 2812. 102.17 (1) (e) of the statutes is amended to read:

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

10           \*~~-0610/P3.106~~\*SECTION 2813. 102.17 (1) (f) of the statutes is amended to read:

11           102.17 (1) (f) Sections 804.05 and 804.07 shall not apply to proceedings under  
12           this chapter, except as to a witness who is any of the following:

13           1. ~~Who is beyond~~ Beyond reach of the subpoena of the ~~department; or~~ division.

14           2. ~~Who is about~~ About to go out of the state, not intending to return in time for  
15           the ~~hearing; or~~ hearing.

16           3. ~~Who is so~~ So sick, infirm, or aged as to make it probable that the witness will  
17           not be able to attend the ~~hearing; or~~ hearing.

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

21           \*~~-0610/P3.107~~\*SECTION 2814. 102.17 (1) (g) of the statutes is amended to read:

22           102.17 (1) (g) Whenever the testimony presented at any hearing indicates a  
23           dispute or creates a doubt as to the extent or cause of disability or death, the  
24           ~~department~~ division may direct that the injured employee be examined, that an  
25           autopsy be performed, or that an opinion be obtained without examination or

## SECTION 2814

1 autopsy, by or from an impartial, competent physician, chiropractor, dentist,  
2 psychologist or podiatrist designated by the ~~department~~ division who is not under  
3 contract with or regularly employed by a compensation insurance carrier or  
4 self-insured employer. The expense of the examination, autopsy, or opinion shall be  
5 paid by the employer or, if the employee claims compensation under s. 102.81, from  
6 the uninsured employers fund. The report of the examination, autopsy, or opinion  
7 shall be transmitted in writing to the ~~department~~ division and a copy of the report  
8 shall be furnished by the ~~department~~ division to each party, who shall have an  
9 opportunity to rebut ~~such~~ the report on further hearing.

10 **\*-0610/P3.108\*SECTION 2815.** 102.17 (1) (h) of the statutes is amended to  
11 read:

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

19 **\*-0610/P3.109\*SECTION 2816.** 102.17 (2) of the statutes is amended to read:

20 102.17 (2) If the ~~department shall have~~ division has reason to believe that the  
21 payment of compensation has not been made, ~~it~~ the division may on its own motion  
22 give notice to the parties, in the manner provided for the service of an application,  
23 of a time and place when a hearing will be held for the purpose of determining the  
24 facts. ~~Such~~ The notice shall contain a statement of the matter to be considered.  
25 ~~Thereafter all other~~ All provisions of this chapter governing proceedings on an

1 application shall ~~attach~~ apply, insofar as ~~the same may be applicable, to a proceeding~~  
2 under this subsection. When the ~~department~~ division schedules a hearing on its own  
3 motion, the ~~department~~ division does not become a party in interest and is not  
4 required to appear at the hearing.

5 \*~~0610/P3.110~~\*SECTION 2817. 102.17 (2m) of the statutes is amended to read:

6 102.17 (2m) Any The division or any party, including the department office,  
7 may require any person to produce books, papers, and records at the hearing by  
8 personal service of a subpoena upon the person along with a tender of witness fees  
9 as provided in ss. 814.67 and 885.06. Except as provided in sub. (2s), the subpoena  
10 shall be on a form provided by the ~~department~~ division and shall give the name and  
11 address of the party requesting the subpoena.

12 \*~~0610/P3.111~~\*SECTION 2818. 102.17 (2s) of the statutes is amended to read:

13 102.17 (2s) A party's attorney of record may issue a subpoena to compel the  
14 attendance of a witness or the production of evidence. A subpoena issued by an  
15 attorney must be in substantially the same form as provided in s. 805.07 (4) and must  
16 be served in the manner provided in s. 805.07 (5). The attorney shall, at the time of  
17 issuance, send a copy of the subpoena to the ~~appeal tribunal~~ hearing examiner or  
18 other representative of the ~~department~~ division responsible for conducting the  
19 proceeding.

20 \*~~0610/P3.112~~\*SECTION 2819. 102.17 (7) (b) of the statutes is amended to read:

21 102.17 (7) (b) Except as provided in par. (c), the ~~department~~ division shall  
22 exclude from evidence testimony or certified reports from expert witnesses under  
23 par. (a) offered by the party that raises the issue of loss of earning capacity if that  
24 party failed to notify the ~~department~~ division and the other parties of interest, at  
25 least 60 days before the date of the hearing, of the party's intent to provide the

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1 testimony or reports and of the names of the expert witnesses involved. Except as  
2 provided in par. (c), the department division shall exclude from evidence testimony  
3 or certified reports from expert witnesses under par. (a) offered by a party of interest  
4 in response to the party that raises the issue of loss of earning capacity if the  
5 responding party failed to notify the department division and the other parties of  
6 interest, at least 45 days before the date of the hearing, of the party's intent to provide  
7 the testimony or reports and of the names of the expert witnesses involved.

8 \*–0610/P3.113\*SECTION 2820. 102.17 (7) (c) of the statutes is amended to read:

9 102.17 (7) (c) Notwithstanding the notice deadlines provided in par. (b), the  
10 department division may receive in evidence testimony or certified reports from  
11 expert witnesses under par. (a) when the applicable notice deadline under par. (b) is  
12 not met if good cause is shown for the delay in providing the notice required under  
13 par. (b) and if no party is prejudiced by the delay.

14 \*–0610/P3.114\*SECTION 2821. 102.17 (8) of the statutes is amended to read:

15 102.17 (8) Unless otherwise agreed to by all parties, an injured employee shall  
16 file with the department division and serve on all parties at least 15 days before the  
17 date of the hearing an itemized statement of all medical expenses and incidental  
18 compensation under s. 102.42 claimed by the injured employee. The itemized  
19 statement shall include, if applicable, information relating to any travel expenses  
20 incurred by the injured employee in obtaining treatment including the injured  
21 employee's destination, number of trips, round trip mileage, and meal and lodging  
22 expenses. The department division may not admit into evidence any information  
23 relating to medical expenses and incidental compensation under s. 102.42 claimed  
24 by an injured employee if the injured employee failed to file with the department  
25 division and serve on all parties at least 15 days before the date of the hearing an

1 itemized statement of the medical expenses and incidental compensation under s.  
2 102.42 claimed by the injured employee, unless the department division is satisfied  
3 that there is good cause for the failure to file and serve the itemized statement.

4 \*-0610/P3.115\*SECTION 2822. 102.175 (2) of the statutes is amended to read:

5 102.175 (2) If after a hearing or a prehearing conference the department  
6 division determines that an injured employee is entitled to compensation but that  
7 there remains in dispute only the issue of which of 2 or more parties is liable for that  
8 compensation, the department division may order one or more parties to pay  
9 compensation in an amount, time, and manner as determined by the department  
10 division. If the department division later determines that another party is liable for  
11 compensation, the department division shall order that other party to reimburse any  
12 party that was ordered to pay compensation under this subsection.

13 \*-0610/P3.116\*SECTION 2823. 102.18 (1) (b) of the statutes is amended to read:

14 102.18 (1) (b) Within 90 days after the final hearing and close of the record, the  
15 department division shall make and file its findings upon the ultimate facts involved  
16 in the controversy, and its order, which shall state its the division's determination as  
17 to the rights of the parties. Pending the final determination of any controversy before  
18 it, the department ~~may in its discretion~~ division, after any hearing, may, in its  
19 discretion, make interlocutory findings, orders, and awards, which may be enforced  
20 in the same manner as final awards. The department division may include in any  
21 interlocutory or final award or order an order directing the employer or insurer to pay  
22 for any future treatment that may be necessary to cure and relieve the employee from  
23 the effects of the injury. If the department division finds that the employer or insurer  
24 has not paid any amount that the employer or insurer was directed to pay in any  
25 interlocutory order or award and that the nonpayment was not in good faith, the

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1 ~~department~~ division may include in its final award a penalty not exceeding ~~25%~~ 25  
2 percent of each amount that was not paid as directed. When there is a finding that  
3 the employee is in fact suffering from an occupational disease caused by the  
4 employment of the employer against whom the application is filed, a final award  
5 dismissing the application upon the ground that the applicant has suffered no  
6 disability from the disease shall not bar any claim the employee may thereafter have  
7 for disability sustained after the date of the award.

8 \*~~0610/P3.117~~\*SECTION 2824. 102.18 (1) (bg) 1. of the statutes is amended to  
9 read:

10 102.18 (1) (bg) 1. If the ~~department~~ division finds under par. (b) that an insurer  
11 or self-insured employer is liable under this chapter for any health services provided  
12 to an injured employee by a health service provider, but that the reasonableness of  
13 the fee charged by the health service provider is in dispute, the ~~department~~ division  
14 may include in its order under par. (b) a determination made by the office under s.  
15 102.16 (2) as to the reasonableness of the fee or ~~the department, if such a~~  
16 determination has not yet been made, the division may notify, or direct the insurer  
17 or self-insured employer to notify, the health service provider under s. 102.16 (2) (b)  
18 that the reasonableness of the fee is in dispute. ~~The department shall deny payment~~  
19 ~~of a health service fee that the department determines under this subdivision to be~~  
20 ~~unreasonable. An insurer or self-insured employer and a health service provider~~  
21 ~~that are parties to a fee dispute under this subdivision are bound by the department's~~  
22 ~~determination under this subdivision on the reasonableness of the disputed fee,~~  
23 ~~unless that determination is set aside, reversed, or modified by the department~~  
24 ~~under sub. (3) or by the commission under sub. (3) or (4) or is set aside on judicial~~  
25 ~~review under s. 102.23.~~



1           \***-0610/P3.118\***SECTION 2825. 102.18 (1) (bg) 2. of the statutes is amended to  
2 read:

3           102.18 (1) (bg) 2. If the department division finds under par. (b) that an  
4 employer or insurance carrier is liable under this chapter for any treatment provided  
5 to an injured employee by a health service provider, but that the necessity of the  
6 treatment is in dispute, the department division may include in its order under par.  
7 (b) a determination made by the office under s. 102.16 (2m) as to the necessity of the  
8 treatment or ~~the department, if such a determination has not yet been made, the~~  
9 division may notify, or direct the employer or insurance carrier to notify, the health  
10 service provider under s. 102.16 (2m) (b) that the necessity of the treatment is in  
11 dispute. ~~Before determining under this subdivision the necessity of treatment~~  
12 ~~provided to an injured employee, the department may, but is not required to, obtain~~  
13 ~~the opinion of an expert selected by the department who is qualified as provided in~~  
14 ~~s. 102.16 (2m) (c). The standards promulgated under s. 102.16 (2m) (g) shall be~~  
15 ~~applied by an expert in rendering an opinion as to, and in determining, necessity of~~  
16 ~~treatment under this subdivision. In cases in which no standards promulgated~~  
17 ~~under s. 102.16 (2m) (g) apply, the department shall find the facts regarding~~  
18 ~~necessity of treatment. The department shall deny payment for any treatment that~~  
19 ~~the department determines under this subdivision to be unnecessary. An insurer or~~  
20 ~~self-insured employer and a health service provider that are parties to a dispute~~  
21 ~~under this subdivision over the necessity of treatment are bound by the department's~~  
22 ~~determination under this subdivision on the necessity of the disputed treatment,~~  
23 ~~unless that determination is set aside, reversed, or modified by the department~~  
24 division under sub. (3) or by the commission under sub. (3) or (4) or is set aside on  
25 judicial review under s. 102.23.

## SECTION 2826

1           \*-0610/P3.119\*SECTION 2826. 102.18 (1) (bg) 3. of the statutes is amended to  
2 read:

3           102.18 (1) (bg) 3. If the department division finds under par. (b) that an insurer  
4 or self-insured employer is liable under this chapter for the cost of a prescription  
5 drug dispensed under s. 102.425 (2) for outpatient use by an injured employee, but  
6 that the reasonableness of the amount charged for that prescription drug is in  
7 dispute, the department division may include in its order under par. (b) a  
8 determination made by the office under s. 102.425 (4m) as to the reasonableness of  
9 the prescription drug charge or the department, if such a determination has not yet  
10 been made, the division may notify, or direct the insurer or self-insured employer to  
11 notify, the pharmacist or practitioner dispensing the prescription drug under s.  
12 102.425 (4m) (b) that the reasonableness of the prescription drug charge is in  
13 dispute. ~~The department shall deny payment of a prescription drug charge that the~~  
14 ~~department determines under this subdivision to be unreasonable. An insurer or~~  
15 ~~self-insured employer and a pharmacist or practitioner that are parties to a dispute~~  
16 ~~under this subdivision over the reasonableness of a prescription drug charge are~~  
17 ~~bound by the department's determination under par. (b) on the reasonableness of the~~  
18 ~~disputed prescription drug charge, unless that determination is set aside, reversed,~~  
19 ~~or modified by the department under sub. (3) or by the commission under sub. (3) or~~  
20 ~~(4) or is set aside on judicial review under s. 102.23.~~

21           \*-0610/P3.120\*SECTION 2827. 102.18 (1) (bp) of the statutes is amended to  
22 read:

23           102.18 (1) (bp) If the department division determines that the employer or  
24 insurance carrier suspended, terminated, or failed to make payments or failed to  
25 report an injury as a result of malice or bad faith, the department division may