

1 include a penalty in an award to an employee for each event or occurrence of malice
2 or bad faith. ~~This~~ That penalty is the exclusive remedy against an employer or
3 insurance carrier for malice or bad faith. If ~~this~~ the penalty is imposed for an event
4 or occurrence of malice or bad faith that causes a payment that is due an injured
5 employee to be delayed in violation of s. 102.22 (1) or overdue in violation of s. 628.46
6 (1), the ~~department~~ division may not also order an increased payment under s.
7 102.22 (1) or the payment of interest under s. 628.46 (1). The ~~department~~ division
8 may award an amount that ~~it~~ the division considers just, not to exceed the lesser of
9 200 percent of total compensation due or \$30,000 for each event or occurrence of
10 malice or bad faith. The ~~department~~ division may assess the penalty against the
11 employer, the insurance carrier, or both. Neither the employer nor the insurance
12 carrier is liable to reimburse the other for the penalty amount. The ~~department~~
13 division may, by rule, define actions ~~which~~ that demonstrate malice or bad faith.

14 *~~0610/P3.121~~*SECTION 2828. 102.18 (1) (bw) of the statutes is amended to
15 read:

16 102.18 (1) (bw) If an insurer, a self-insured employer, or, if applicable, the
17 uninsured employers fund pays compensation to an employee in excess of its liability
18 and another insurer is liable for all or part of the excess payment, the ~~department~~
19 division may order the insurer ~~or self-insured employer~~ that is liable for that excess
20 payment to reimburse the insurer or self-insured employer that made the excess
21 payment or, if applicable, the uninsured employers fund.

22 *~~0610/P3.122~~*SECTION 2829. 102.18 (1) (c) of the statutes is amended to read:

23 102.18 (1) (c) If 2 or more examiners have conducted a formal hearing on a claim
24 and are unable to agree on the order or award to be issued, the decision shall be the
25 decision of the majority. If the examiners are equally divided on the decision, the

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1 department division may appoint an additional examiner who shall review the
2 record and consult with the other examiners concerning their personal impressions
3 of the credibility of the evidence. Findings of fact and an order or award may then
4 be issued by a majority of the examiners.

5 *~~0610/P3.123~~SECTION 2830. 102.18 (1) (e) of the statutes is amended to read:

6 102.18 (1) (e) Except as provided in s. 102.21, if the ~~department~~ division orders
7 a party to pay an award of compensation, the party shall pay the award no later than
8 21 days after the date on which the order is electronically delivered to the party or
9 mailed to the last-known address of the party, unless the party files a petition for
10 review under sub. (3). This paragraph applies to all awards of compensation ordered
11 by the ~~department~~ division, whether the award results from a hearing, the default
12 of a party, or a compromise or stipulation confirmed by the ~~department~~ division.

13 *~~0610/P3.124~~SECTION 2831. 102.18 (2) of the statutes is amended to read:

14 102.18 (2) The ~~department~~ division shall have and maintain on its staff such
15 examiners as are necessary to hear and decide disputed claims and to assist in the
16 effective ~~administration of~~ adjudication of disputes under this chapter. ~~These~~ Those
17 examiners shall be attorneys and may be designated as administrative law judges.
18 ~~These~~ Those examiners may make findings and orders, and may approve, review, set
19 aside, modify, or confirm stipulations of settlement or compromises of claims for
20 compensation.

21 *~~0610/P3.125~~SECTION 2832. 102.18 (3) of the statutes is amended to read:

22 102.18 (3) A party in interest may petition the commission for review of an
23 examiner's decision awarding or denying compensation if the ~~department~~ division
24 or commission receives the petition within 21 days after the ~~department~~ division
25 electronically delivered a copy of the examiner's findings and order to the parties in

1 interest or mailed a copy of the examiner's findings and order to the party's
2 last-known address addresses of the parties in interest. The commission shall
3 dismiss a petition ~~which~~ that is not timely filed unless the petitioner shows probable
4 good cause that the reason for failure to timely file was beyond the petitioner's
5 control. If no petition is filed within 21 days ~~from~~ after the date ~~that~~ on which a copy
6 of the findings or order of the examiner is electronically delivered to the parties in
7 interest or mailed to the last-known address addresses of the parties in interest, the
8 findings or order shall be considered final unless set aside, reversed, or modified by
9 the examiner within that time. If the findings or order are set aside by the examiner,
10 the status shall be the same as prior to the setting aside of the findings or order set
11 aside. If the findings or order are reversed or modified by the examiner, the time for
12 filing a petition commences ~~with~~ on the date ~~that~~ on which notice of reversal or
13 modification is electronically delivered to the parties in interest or mailed to the
14 last-known address addresses of the parties in interest. The commission shall either
15 affirm, reverse, set aside, or modify the findings or order, in whole or in part, or direct
16 the taking of additional evidence. ~~This~~ The commission's action shall be based on a
17 review of the evidence submitted.

18 ***-0610/P3.126*SECTION 2833.** 102.18 (4) (b) of the statutes is amended to read:

19 102.18 (4) (b) Within 28 days after a decision of the commission is electronically
20 delivered to each party in interest or mailed to the last-known address of each party
21 in interest, the commission may, on its own motion, set aside the decision for further
22 consideration.

23 ***-0610/P3.127*SECTION 2834.** 102.18 (4) (c) 3. of the statutes is amended to

24 read:

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1 102.18 (4) (c) 3. Remand the case to the ~~department~~ division for further
2 proceedings.

3 *~~-0610/P3.128~~*SECTION 2835. 102.18 (4) (d) of the statutes is amended to
4 read:

5 102.18 (4) (d) While a petition for review by the commission is pending or after
6 entry of an order or award by the commission, but before commencement of an action
7 for judicial review or expiration of the period in which to commence an action for
8 judicial review, the commission shall remand any compromise presented to it to the
9 ~~department~~ division for consideration and approval or rejection pursuant to under
10 s. 102.16 (1). Presentation of a compromise does not affect the period in which to
11 commence an action for judicial review.

12 *~~-0610/P3.129~~*SECTION 2836. 102.18 (5) of the statutes is amended to read:

13 102.18 (5) If it shall ~~appear to the department~~ appear to the division that a
14 mistake may have been made as to cause of injury in the findings, order, or award
15 upon an alleged injury based on accident, when in fact the employee was suffering
16 from an occupational disease, within 3 years after the date of the findings, order, or
17 award the ~~department~~ division may, upon its own motion, with or without hearing,
18 ~~within 3 years from the date of such findings, order or award,~~ set aside such the
19 findings, order or award, or the ~~department~~ division may take such that action upon
20 application made within such those 3 years. ~~Thereafter, and after~~ After an
21 opportunity for hearing, the ~~department~~ division may, if in fact the employee is
22 suffering from disease arising out of the employment, make new findings, and a new
23 order or award, or ~~it~~ the division may reinstate the previous findings, order, or award.

24 *~~-0610/P3.130~~*SECTION 2837. 102.18 (6) of the statutes is amended to read:

1 102.18 (6) In case of disease arising out of the employment, the department
2 division may from time to time review its findings, order, or award, and make new
3 findings, or a new order or award, based on the facts regarding disability or otherwise
4 as ~~they~~ those facts may ~~then~~ appear at the time of the review. This subsection shall
5 not affect the application of the limitation in s. 102.17 (4).

6 *~~0610/P3.131~~*SECTION 2838. 102.19 of the statutes is amended to read:

7 **102.19 Alien dependents; payments through consular officers.** ~~In case~~
8 If a deceased employee, for whose injury or death compensation is payable, leaves
9 surviving alien dependents residing outside of the United States, the duly accredited
10 consular officer of the country of which ~~such~~ those dependents are citizens or ~~such~~
11 that officer's designated representative residing within the state shall, except as
12 otherwise determined by the ~~department~~ office, be the sole representative of the
13 deceased employee and dependents in all matters pertaining to their claims for
14 compensation. The receipt ~~by such officer or agent~~ of compensation funds and the
15 distribution ~~thereof~~ of those funds by a consular officer or representative shall be
16 made only upon order of the ~~department~~ office, and payment to ~~such~~ the officer or
17 agent ~~pursuant to any such representative under that~~ order shall be a full discharge
18 of the benefits or compensation. ~~Such~~ due the deceased employee and his or her
19 dependents. If required by the office, a consular officer or ~~such~~ officer's
20 representative shall furnish, ~~if required by the department,~~ a bond to be approved
21 by ~~it~~ the office, conditioned upon the proper application of all moneys received by
22 ~~such person~~ the consular officer or representative. Before ~~such~~ that bond is
23 discharged, ~~such~~ the consular officer or representative shall file with the ~~department~~
24 a ~~office~~ an itemized and verified account of the items of his or her receipts and
25 ~~disbursements~~ receipt and disbursement of such ~~that~~ compensation. ~~Such~~ The

1 consular officer or representative shall make interim reports to the ~~department~~ office
2 as it the office may require.

3 *-0610/P3.132*SECTION 2839. 102.195 of the statutes is amended to read:

4 **102.195 Employees confined in institutions; payment of benefits.** ~~In~~
5 ~~case~~ If an employee is adjudged ~~insane~~ mentally ill or incompetent, or convicted of
6 a felony, and is confined in a public institution and has wholly dependent upon the
7 employee for support a person, whose dependency is determined as if the employee
8 were deceased, compensation payable during the period of the employee's
9 confinement may be paid to the employee and the employee's dependents, in such
10 manner, for such time, and in such amount as the ~~department~~ office by order
11 provides.

12 *-0610/P3.133*SECTION 2840. 102.21 of the statutes is amended to read:

13 **102.21 Payment of awards by municipalities.** Whenever an award is made
14 ~~by the department~~ under this chapter or s. 66.191, 1981 stats., against any
15 municipality, the person in whose favor it the award is made shall file a certified copy
16 ~~thereof of the award~~ with the municipal clerk. ~~Within 20 days thereafter, unless~~
17 Unless an appeal is taken, ~~such~~ within 20 days after that filing, the municipal clerk
18 shall draw an order on the municipal treasurer for the payment of the award. If upon
19 appeal ~~such~~ the award is affirmed in whole or in part ~~the,~~ the municipal clerk shall
20 draw an order for payment shall be drawn of the award within 10 days after a
21 certified copy of ~~such~~ the judgment affirming the award is filed with ~~the proper that~~
22 clerk. If the award or judgment provides for more than one payment is provided for
23 in the award or judgment, orders shall be drawn, the municipal clerk shall draw
24 orders for payment as the payments become due. No statute relating to the filing of
25 claims against, ~~and~~ or the auditing, allowing, and payment of claims by

1 ~~municipalities shall apply~~, a municipality applies to the payment of an award or
2 judgment under this section.

3 ~~*-0610/P3.134~~*SECTION 2841. 102.22 (1) of the statutes is amended to read:

4 102.22 (1) If the employer or his or her insurer inexcusably delays in making
5 the first payment that is due an injured employee for more than 30 days after the ~~day~~
6 date on which the employee leaves work as a result of an injury and if the amount
7 due is \$500 or more, the payments as to which the delay is found shall be increased
8 by ~~10%~~ 10 percent. If the employer or his or her insurer inexcusably delays in making
9 the first payment that is due an injured employee for more than 14 days after the ~~day~~
10 date on which the employee leaves work as a result of an injury, the payments as to
11 which the delay is found may be increased by ~~10%~~ 10 percent. If the employer or his
12 or her insurer inexcusably delays for any length of time in making any other payment
13 that is due an injured employee, the payments as to which the delay is found may
14 be increased by ~~10%~~. ~~Where~~ 10 percent. ~~If~~ the delay is chargeable to the employer
15 and not to the insurer, s. 102.62 ~~shall apply~~ applies and the relative liability of the
16 parties shall be fixed and discharged as ~~therein~~ provided in that section. The
17 ~~department~~ division may also order the employer or insurance carrier to reimburse
18 the employee for any finance charges, collection charges, or interest ~~which~~ that the
19 employee paid as a result of the inexcusable delay by the employer or insurance
20 carrier.

21 ~~*-0610/P3.135~~*SECTION 2842. 102.22 (2) of the statutes is amended to read:

22 102.22 (2) If ~~the sum ordered by the department~~ any sum that the division
23 orders to be paid is not paid when due, that sum shall bear interest at the rate of ~~10%~~
24 10 percent per year. The state is liable for ~~such~~ interest on awards issued against
25 it under this chapter. The ~~department~~ division has jurisdiction to issue an award for

1 payment of such interest under this subsection at any time within one year of ~~after~~
2 the date of its order, or ~~upon appeal, if the order is appealed, within one year~~ after
3 final court determination. ~~Such interest~~ Interest awarded under this subsection
4 becomes due from the date the examiner's order becomes final or from the date of a
5 decision by the ~~labor and industry review~~ commission, whichever is later.

6 *~~0610/P3.136~~*SECTION 2843. 102.23 (1) (a) of the statutes is amended to read:

7 102.23 (1) (a) The findings of fact made by the commission acting within its
8 powers shall, in the absence of fraud, be conclusive. The order or award granting or
9 denying compensation, either interlocutory or final, whether judgment has been
10 rendered on ~~it~~ the order or award or not, is subject to review only as provided in this
11 section and not under ch. 227 or s. 801.02. Within 30 days after the date of an order
12 or award made by the commission either originally or after the filing of a petition for
13 review with the ~~department~~ division under s. 102.18 any party aggrieved ~~thereby~~ by
14 the order or award may by serving a complaint as provided in par. (b) and filing the
15 summons and complaint with the clerk of the circuit court commence, in circuit court,
16 an action against the commission for the review of the order or award, in which action
17 the adverse party shall also be made a defendant. If the circuit court is satisfied that
18 a party in interest has been prejudiced because of an exceptional delay in the receipt
19 of a copy of any finding or order, ~~it~~ the circuit court may extend the time in which an
20 action may be commenced by an additional 30 days. The proceedings shall be in the
21 circuit court of the county where the plaintiff resides, except that if the plaintiff is
22 a state agency, the proceedings shall be in the circuit court of the county where the
23 defendant resides. The proceedings may be brought in any circuit court if all parties
24 stipulate and that court agrees.

25 *~~0610/P3.137~~*SECTION 2844. 102.23 (1) (b) of the statutes is amended to read:

1 102.23 (1) (b) ~~In such~~ an action for review of an order or award a complaint shall
2 be served with an authenticated copy of the summons. The complaint need not be
3 verified, but shall state the grounds upon which a review is sought. Service upon a
4 ~~commissioner or~~ member of the commission or an agent authorized by the
5 commission to accept service constitutes complete service on all parties, but there
6 shall be left with the person so served as many copies of the summons and complaint
7 as there are defendants, and the commission shall electronically deliver or mail one
8 copy to each other defendant.

9 *~~-0610/P3.138~~*SECTION 2845. 102.23 (2) of the statutes is amended to read:

10 102.23 (2) Upon the trial of ~~any such~~ an action for review of an order or award
11 the court shall disregard any irregularity or error of the commission or the
12 ~~department~~ division unless it is made to affirmatively appear that the plaintiff was
13 damaged ~~thereby~~ by that irregularity or error.

14 *~~-0610/P3.139~~*SECTION 2846. 102.23 (3) of the statutes is amended to read:

15 102.23 (3) The record in any case shall be transmitted to the ~~department~~
16 division within 5 days after expiration of the time for appeal from the order or
17 judgment of the court, unless an appeal ~~shall be~~ is taken from ~~such~~ that order or
18 judgment.

19 *~~-0610/P3.140~~*SECTION 2847. 102.23 (5) of the statutes is amended to read:

20 102.23 (5) When an action for review involves only the question of liability as
21 between the employer and one or more insurance companies or as between several
22 insurance companies, a party that has been ordered by the ~~department~~ division, the
23 commission, or a court to pay compensation is not relieved from paying compensation
24 as ordered.

25 *~~-0610/P3.141~~*SECTION 2848. 102.24 (2) of the statutes is amended to read:

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1 102.24 (2) After the commencement of an action to review any order or award
2 of the commission, the parties may have the record remanded by the court for such
3 time and under such condition as ~~they~~ the parties may provide, for the purpose of
4 having the ~~department~~ division act upon the question of approving or disapproving
5 any settlement or compromise that the parties may desire to have so approved. If
6 approved, the action shall be at an end and judgment may be entered upon the
7 approval as upon an award. If not approved, the division shall immediately return
8 ~~the record shall forthwith be returned~~ to the circuit court and the action shall proceed
9 as if no remand had been made.

10 *-0610/P3.142*SECTION 2849. 102.25 (1) of the statutes is amended to read:

11 102.25 (1) Any party aggrieved by a judgment entered upon the review of any
12 order or award may appeal ~~therefrom~~ the judgment within the time period specified
13 in s. 808.04 (1). A trial court ~~shall~~ may not require the commission or any party to
14 the action to execute, serve, or file an undertaking under s. 808.07 or to serve, or
15 secure approval of, a transcript of the notes of the stenographic reporter or the tape
16 of the recording machine. The state is a party aggrieved under this subsection if a
17 judgment is entered upon the review confirming any order or award against ~~it~~ the
18 state. At any time before the case is set down for hearing in the court of appeals or
19 the supreme court, the parties may have the record remanded by the court to the
20 ~~department~~ division in the same manner and for the same purposes as provided for
21 remanding from the circuit court to the ~~department~~ division under s. 102.24 (2).

22 *-0610/P3.143*SECTION 2850. 102.26 (2) of the statutes is amended to read:

23 102.26 (2) Unless previously authorized by the ~~department~~ division, no fee may
24 be charged or received for the enforcement or collection of any claim for
25 compensation, nor may any contract for that enforcement or collection be enforceable

1 when that fee, inclusive of all taxable attorney fees paid or agreed to be paid for that
2 enforcement or collection, exceeds 20 percent of the amount at which ~~that~~ the claim
3 is compromised or of the amount awarded, adjudged, or collected, except that in cases
4 of admitted liability in which there is no dispute as to the amount of compensation
5 due and in which no hearing or appeal is necessary, the fee charged may not exceed
6 10 percent, but not to exceed \$250, of the amount at which ~~that~~ the claim is
7 compromised or of the amount awarded, adjudged, or collected. The limitation as to
8 fees shall apply to the combined charges of attorneys, solicitors, representatives, and
9 adjusters who knowingly combine their efforts toward the enforcement or collection
10 of any compensation claim.

11 ~~*-0610/P3.144*~~SECTION 2851. 102.26 (3) (b) 1. of the statutes is amended to
12 read:

13 102.26 (3) (b) 1. ~~The department may~~ Subject to sub. (2), upon application of
14 any interested party ~~and subject to sub. (2)~~, the division may fix the fee of the
15 claimant's attorney or representative and provide in the award for that fee to be paid
16 directly to the attorney or representative.

17 ~~*-0610/P3.145*~~SECTION 2852. 102.26 (3) (b) 3. of the statutes is amended to
18 read:

19 102.26 (3) (b) 3. The claimant may request the insurer or self-insured employer
20 to pay any compensation that is due the claimant by depositing the payment directly
21 into an account maintained by the claimant at a financial institution. If the insurer
22 or self-insured employer agrees to the request, the insurer or self-insured employer
23 may deposit the payment by direct deposit, electronic funds transfer, or any other
24 money transfer technique approved by the department division. The claimant may

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1 revoke a request under this subdivision at any time by providing appropriate written
2 notice to the insurer or self-insured employer.

3 *~~0610/P3.146~~*SECTION 2853. 102.26 (4) of the statutes is amended to read:

4 102.26 (4) ~~The charging or receiving of~~ Any attorney or other person who
5 charges or receives any fee in violation of this section ~~shall be unlawful, and the~~
6 ~~attorney or other person guilty thereof shall~~ may be required to forfeit double the
7 amount retained by the attorney or other person, ~~the same to~~ which forfeiture shall
8 be collected by the state in an action in debt, upon complaint of the ~~department~~
9 division. Out of the sum recovered the court shall direct payment to the injured party
10 of the amount of the overcharge.

11 *~~0610/P3.147~~*SECTION 2854. 102.27 (2) (b) of the statutes is amended to read:

12 102.27 (2) (b) If a governmental unit provides public assistance under ch. 49
13 to pay medical costs or living expenses related to a claim under this chapter and if
14 the governmental unit has given the parties to the claim written notice stating that
15 the governmental unit provided the assistance and the cost of that assistance, the
16 employer or insurance carrier owing compensation shall reimburse that
17 governmental unit ~~any compensation awarded or paid if the governmental unit has~~
18 ~~given the parties to the claim written notice stating that it provided the assistance~~
19 ~~and the cost of the assistance provided. Reimbursement shall equal the lesser of~~
20 either for the amount of assistance the governmental unit provided or two-thirds of
21 the amount of the award or payment remaining after deduction of attorney fees and
22 any other fees or costs chargeable under ch. 102, whichever is less. The ~~department~~
23 office shall comply with this paragraph when making payments under s. 102.81.

24 *~~0610/P3.148~~*SECTION 2855. 102.28 (2) (a) of the statutes is amended to read:

1 102.28 (2) (a) *Duty to insure payment for compensation.* Unless exempted by
2 the ~~department~~ office under par. (b) or sub. (3), every employer, as described in s.
3 102.04 (1), shall insure payment for that compensation in an insurer authorized to
4 do business in this state. A joint venture may elect to be an employer under this
5 chapter and obtain insurance for payment of compensation. If a joint venture that
6 is subject to this chapter only because the joint venture elected to be an employer
7 under this chapter is dissolved and cancels or terminates its contract for the
8 insurance of compensation under this chapter, that joint venture is deemed
9 considered to have effected withdrawal, which shall be effective on the day after the
10 contract is canceled or terminated.

11 *~~0610/P3.149~~*SECTION 2856. 102.28 (2) (b) of the statutes is amended to read:

12 102.28 (2) (b) *Exemption from duty to insure.* The ~~department~~ office may grant
13 a written order of exemption to an employer who shows its financial ability to pay
14 the amount of compensation, agrees to report faithfully all compensable injuries, and
15 agrees to comply with this chapter and the rules of the ~~department~~ office. The
16 ~~department~~ office may condition the granting of an exemption upon the employer's
17 furnishing of satisfactory security to guarantee payment of all claims ~~under~~ for
18 compensation. The ~~department~~ office may require that bonds or other personal
19 guarantees be enforceable against sureties in the same manner as an award may be
20 enforced. The ~~department~~ office may from time to time require proof of financial
21 ability of the employer to pay compensation. Any exemption shall be void if the
22 application for it contains a financial statement ~~which~~ that is false in any material
23 respect. An employer who files an application containing a false financial statement
24 remains subject to par. (a). The ~~department~~ office may promulgate rules establishing
25 an amount to be charged to an initial applicant for exemption under this paragraph

1 and an annual amount to be charged to employers that have been exempted under
2 this paragraph.

3 ***-0610/P3.150*SECTION 2857.** 102.28 (2) (c) of the statutes is amended to read:

4 102.28 (2) (c) *Revocation of exemption.* ~~The department, after~~ After seeking the
5 advice of the self-insurers council, the office may revoke an exemption granted to an
6 employer under par. (b), upon giving the employer 10 days' written notice, if the
7 ~~department office~~ office finds that the employer's financial condition is inadequate to pay
8 its employees' claims for compensation, that the employer has received an excessive
9 number of claims for compensation, or that the employer has failed to discharge
10 faithfully its obligations according to the agreement contained in the application for
11 exemption. ~~The employer may, within~~ Within 10 days after receipt of the notice of
12 revocation, the employer may request in writing a review of the revocation by the
13 ~~secretary commissioner~~ or the ~~secretary's commissioner's~~ designee and the ~~secretary~~
14 ~~commissioner~~ or the ~~secretary's~~ designee shall review the revocation within 30 days
15 after receipt of the request for review. If the employer is aggrieved by the
16 determination of the ~~secretary commissioner~~ or the ~~secretary's commissioner's~~
17 designee, the employer may, within 10 days after receipt of notice of that
18 determination, request a hearing under s. 102.17. If the ~~secretary commissioner~~ or
19 the ~~secretary's commissioner's~~ designee determines that the employer's exemption
20 should be revoked, the employer shall obtain insurance coverage as required under
21 par. (a) immediately upon receipt of notice of that determination and,
22 notwithstanding the pendency of proceedings under ss. 102.17 to 102.25, shall keep
23 that coverage in force until another exemption under par. (b) is granted.

24 ***-0610/P3.151*SECTION 2858.** 102.28 (2) (d) of the statutes is amended to
25 read:

1 102.28 (2) (d) *Effect of insuring with unauthorized insurer.* An employer who
2 procures after procuring an exemption under par. (b) and thereafter enters into any
3 agreement for excess insurance coverage with an insurer not authorized to do
4 business in this state shall report that agreement to the department office
5 immediately. The placing of such that coverage shall not by itself be grounds for
6 revocation of the exemption.

7 ***-0610/P3.152*SECTION 2859.** 102.28 (3) (a) (intro.) of the statutes is amended
8 to read:

9 102.28 (3) (a) (intro.) An employer may file with the department office an
10 application for exemption from the duty to pay compensation under this chapter with
11 respect to any employee who signs the waiver described in subd. 1. and the affidavit
12 described in subd. 2. if an authorized representative of the religious sect to which the
13 employee belongs signs the affidavit specified in subd. 3. and the agreement
14 described in subd. 4. An application for exemption under this paragraph shall
15 include all of the following:

16 ***-0610/P3.153*SECTION 2860.** 102.28 (3) (b) (intro.) of the statutes is amended
17 to read:

18 102.28 (3) (b) (intro.) The department office shall approve an application under
19 par. (a) if the department office determines that all of the following conditions are
20 satisfied:

21 ***-0610/P3.154*SECTION 2861.** 102.28 (3) (b) 3. of the statutes is amended to
22 read:

23 102.28 (3) (b) 3. The religious sect to which the employee belongs has a
24 long-established history of providing its members who become dependent on the
25 religious sect as a result of work-related injuries, and the dependents of those

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1 members, with a standard of living and medical treatment that are reasonable when
2 compared to the general standard of living and medical treatment for members of the
3 religious sect. In determining whether the religious sect has a long-standing history
4 of providing the financial and medical assistance described in this subdivision, the
5 department office shall presume that a 25-year history of providing that financial
6 and medical assistance is long-standing for purposes of this subdivision.

7 *~~0610/P3.155~~*SECTION 2862. 102.28 (3) (c) of the statutes is amended to read:

8 102.28 (3) (c) An employee who has signed a waiver under par. (a) 1. and an
9 affidavit under par. (a) 2., who sustains an injury that, but for that waiver, the
10 employer would be liable for under s. 102.03, who at the time of the injury was a
11 member of a religious sect whose authorized representative has filed an affidavit
12 under par. (a) 3. and an agreement under par. (a) 4., and who as a result of the injury
13 becomes dependent on the religious sect for financial and medical assistance, or the
14 employee's dependent, may request a hearing under s. 102.17 (1) to determine if the
15 religious sect has provided the employee and his or her dependents with a standard
16 of living and medical treatment that are reasonable when compared to the general
17 standard of living and medical treatment for members of the religious sect. If, after
18 hearing, the ~~department~~ division determines that the religious sect has not provided
19 that standard of living or medical treatment, or both, the ~~department~~ division may
20 order the religious sect to provide alternative benefits to that employee or his or her
21 dependent, or both, in an amount that is reasonable under the circumstances, but
22 not in excess of the benefits that the employee or dependent could have received
23 under this chapter but for the waiver under par. (a) 1.

24 *~~0610/P3.156~~*SECTION 2863. 102.28 (3) (d) of the statutes is amended to
25 read:

1 102.28 (3) (d) The ~~department~~ office shall provide a form for the application for
2 exemption of an employer under par. (a) (intro.), the waiver and affidavit of an
3 employee under par. (a) 1. and 2., the affidavit of a religious sect under par. (a) 3., and
4 the agreement of a religious sect under par. (a) 4. A properly completed form is prima
5 facie evidence of satisfaction of the conditions under par. (b) as to the matter
6 contained in the form.

7 *~~-0610/P3.157~~*SECTION 2864. 102.28 (4) (a) of the statutes is amended to read:

8 102.28 (4) (a) When the ~~department~~ office discovers an uninsured employer,
9 the ~~department~~ office may order the employer to cease operations until the employer
10 complies with sub. (2).

11 *~~-0610/P3.158~~*SECTION 2865. 102.28 (4) (b) of the statutes is amended to read:

12 102.28 (4) (b) If the ~~department~~ office believes that an employer may be an
13 uninsured employer, the ~~department~~ office shall notify the employer of the alleged
14 violation of sub. (2) and the possibility of closure under this subsection. The employer
15 may request and shall receive a hearing under s. 102.17 on the matter if the employer
16 applies for a hearing within 10 days after the notice of the alleged violation is served.

17 *~~-0610/P3.159~~*SECTION 2866. 102.28 (4) (c) of the statutes is amended to read:

18 102.28 (4) (c) After a hearing under par. (b), or without a hearing if one is not
19 requested, the ~~department~~ division may issue an order to an employer to cease
20 operations on a finding that the employer is an uninsured employer. If no hearing
21 is requested, the office may issue such an order.

22 *~~-0610/P3.160~~*SECTION 2867. 102.28 (4) (d) of the statutes is amended to

23 read:

1 102.28 (4) (d) The department of justice may bring an action in any court of
2 competent jurisdiction for an injunction or other remedy to enforce ~~the department's~~
3 an order to cease operations under par. (c).

4 *~~0610/P3.161~~*SECTION 2868. 102.28 (6) of the statutes is amended to read:

5 102.28 (6) REPORTS BY EMPLOYER. ~~Every employer shall upon~~ Upon request of
6 ~~the department office, an employer shall~~ report to it the office the number of
7 employees ~~and employed by the employer,~~ the nature of their work ~~and also,~~ the
8 name of the insurance company with ~~whom~~ which the employer has insured its
9 liability under this chapter, and the policy number and date of expiration of ~~sueh~~ the
10 policy insuring that liability. Failure to furnish ~~sueh~~ a report requested under this
11 subsection within 10 days ~~from the making of a request~~ after the request is sent to
12 the employer by certified mail ~~shall constitute~~ constitutes presumptive evidence that
13 ~~the delinquent employer is violating~~ in violation of sub. (2).

14 *~~0610/P3.162~~*SECTION 2869. 102.28 (7) (a) of the statutes is amended to read:

15 102.28 (7) (a) If an employer who is currently or was formerly exempted by
16 ~~written order of the department~~ under sub. (2) is unable to pay an award, judgment
17 is rendered in accordance with s. 102.20 against that employer, and execution is
18 levied and returned unsatisfied in whole or in part, payments for the employer's
19 liability shall be made from the fund established under sub. (8). If a currently or
20 formerly exempted employer files for bankruptcy and if not less than 60 days after
21 that filing the ~~department~~ office has reason to believe that compensation payments
22 due are not being paid, ~~the department~~ office in its discretion may make payment for
23 the employer's liability from the fund established under sub. (8). The secretary of
24 administration shall proceed to recover ~~sueh~~ those payments from the employer or
25 the employer's receiver or trustee in bankruptcy, and may commence an action or

1 proceeding or file a claim ~~therefor~~ to recover those payments. The attorney general
2 shall appear on behalf of the secretary of administration in any such action or
3 proceeding. All moneys recovered in any such action or proceeding shall be paid into
4 the fund established under sub. (8).

5 *~~0610/P3.163~~SECTION 2870. 102.28 (7) (b) of the statutes is amended to read:

6 102.28 (7) (b) ~~Each~~ Upon the issuance of an initial order exempting an
7 employer under sub. (2), the employer exempted by written order of the department
8 under sub. (2) shall pay into the fund established by under sub. (8) a sum equal to
9 ~~that the amount~~ assessed against each of the other such exempt employers ~~upon the~~
10 ~~issuance of an initial order~~ that are exempt under sub. (2). The order shall provide
11 for a sum that is sufficient to secure estimated payments of the insolvent exempt
12 employer due for the period up to the date of the order and for one year following the
13 date of the order and to pay the estimated cost of insurance carrier or insurance
14 service organization services under par. (c). Payments ordered to be made to the fund
15 shall be paid to the department office within 30 days after the date of the order. If
16 additional moneys are required, further assessments shall be made based on orders
17 of the ~~department office~~ with assessment those assessments to be prorated on the
18 basis of the gross payroll for this state of the exempt employer, as reported to the
19 department of workforce development for the previous calendar year for
20 unemployment insurance purposes under ch. 108. If the exempt employer is not
21 covered under ch. 108, ~~then the department office~~ shall determine the comparable
22 gross payroll for the exempt employer. If payment of any assessment made under
23 ~~this subsection paragraph~~ is not made within 30 days ~~of~~ after the date of the order
24 of the ~~department office~~, the attorney general may appear on behalf of the state to
25 collect the assessment.

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1 *~~0610/P3.164~~*SECTION 2871. 102.28 (7) (c) of the statutes is amended to read:

2 102.28 (7) (c) The department office may retain an insurance carrier or
3 insurance service organization to process, investigate, and pay valid claims. The
4 charge for ~~such service~~ those services shall be paid from the fund as provided under
5 par. (b).

6 *~~0610/P3.165~~*SECTION 2872. 102.28 (8) of the statutes is amended to read:

7 102.28 (8) SELF-INSURED EMPLOYERS LIABILITY FUND. The moneys paid into the
8 state treasury under sub. (7), together with all accrued interest, shall constitute a
9 separate nonlapsible fund designated as the self-insured employers liability fund.
10 Moneys in the fund may be expended only as provided in s. ~~20.445 (1)~~ 20.145 (6) (s)
11 and may not be used for ~~an~~ any other purpose of the state.

12 *~~0610/P3.166~~*SECTION 2873. 102.29 (1) (a) of the statutes is amended to read:

13 102.29 (1) (a) The making of a claim for compensation against an employer or
14 compensation insurer for the injury or death of an employee ~~shall~~ does not affect the
15 right of the employee, the employee's personal representative, or other person
16 entitled to bring action to make a claim or maintain an action in tort against any
17 other party for ~~such~~ that injury or death, hereinafter referred to as a 3rd party; nor
18 ~~shall~~ does the making of a claim by any such person against a 3rd party for damages
19 by reason of an injury to which ss. 102.03 to 102.66 are applicable, or the adjustment
20 of any such claim, affect the right of the injured employee or the employee's
21 dependents to recover compensation. An employer or compensation insurer that has
22 paid or is obligated to pay a lawful claim under this chapter shall have the same right
23 to make a claim or maintain an action in tort against any other party for ~~such~~ that
24 injury or death. If the ~~department~~ office pays or is obligated to pay a claim under s.
25 102.66 (1) or 102.81 (1), the ~~department~~ office shall also have the right to make a

1 claim or maintain an action in tort against any other party for the employee's injury
2 or death. However, each party shall give to the other parties reasonable notice and,
3 the opportunity to join in the making of such a claim or the instituting of such an
4 action, and the opportunity to be represented by counsel.

5 *~~0610/P3.167~~SECTION 2874. 102.29 (1) (b) (intro.) of the statutes is amended
6 to read:

7 102.29 (1) (b) (intro.) If a party entitled to notice cannot be found, the
8 department office shall become the agent of that party for the giving of a notice as
9 required in par. (a) and the notice, when given to the department office, shall include
10 an affidavit setting forth the facts, including the steps taken to locate that party.
11 Each party shall have an equal voice in the prosecution of the claim, and any disputes
12 arising shall be passed upon by the court before whom the case is pending, and if no
13 action is pending, then by a court of record or by the department division. If notice
14 is given as provided in par. (a), the liability of the tort-feasor shall be determined as
15 to all parties having a right to make claim and, irrespective of whether ~~or not~~ all
16 parties join in prosecuting the claim, the proceeds of the claim shall be divided as
17 follows:

18 *~~0610/P3.168~~SECTION 2875. 102.29 (1) (b) 2. of the statutes is amended to
19 read:

20 102.29 (1) (b) 2. Out of the balance remaining after the deduction and payment
21 specified in subd. 1., the employer, the insurance carrier, or, if applicable, the
22 uninsured employers fund or the work injury supplemental benefit fund shall be
23 reimbursed for all payments made by the employer, insurance carrier, or department
24 office, or which that the employer, insurance carrier, or department office may be
25 obligated to make in the future, under this chapter, except that the employer,

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1 insurance carrier, or ~~department~~ office shall not be reimbursed for any payments
2 made or to be made under s. 102.18 (1) (bp), 102.22, 102.35 (3), 102.57, or 102.60.

3 *-0610/P3.169*SECTION 2876. 102.29 (1) (c) of the statutes is amended to read:

4 102.29 (1) (c) If both the employee or the employee's personal representative
5 or other person entitled to bring action, and the employer, compensation insurer, or
6 ~~department~~ office, join in the pressing of said claim and are represented by counsel,
7 the attorney fees allowed as a part of the costs of collection shall be, unless otherwise
8 agreed upon, divided between the attorneys for those parties as directed by the court
9 or by the ~~department~~ division.

10 *-0610/P3.170*SECTION 2877. 102.29 (1) (d) of the statutes is amended to
11 read:

12 102.29 (1) (d) A settlement of a 3rd-party claim shall be void unless the
13 settlement and the distribution of the proceeds of the settlement are approved by the
14 court before whom the action is pending or, if no action is pending, then by a court
15 of record or by the ~~department~~ division.

16 *-0610/P3.171*SECTION 2878. 102.29 (4) of the statutes is amended to read:

17 102.29 (4) If the employer and the 3rd party are insured by the same insurer,
18 or by ~~the~~ insurers who are under common control, the employer's insurer shall
19 promptly notify the parties in interest and the ~~department~~ office. If the employer has
20 assumed the liability of the 3rd party, it the employer shall give similar notice, in
21 default of which any settlement with an injured employee or beneficiary is void. This
22 subsection does not prevent the employer or compensation insurer from sharing in
23 the proceeds of any 3rd-party claim or action, ~~as set forth~~ as provided in sub. (1).

24 *-0921/P1.5*SECTION 2879. 102.29 (8) of the statutes is amended to read:

1 102.29 (8) No student of a public school, ~~as described in s. 115.01 (1), or a private~~
2 school, ~~as defined in s. 115.001 (3r), or an institution of higher education~~ who is
3 named under s. 102.077 as an employee of the school district, private school, or
4 institution of higher education for purposes of this chapter and who makes a claim
5 for compensation under this chapter may make a claim or maintain an action in tort
6 against the employer that provided the work training or work experience from which
7 the claim arose.

8 *~~0610/P3.172~~*SECTION 2880. 102.30 (7) (a) of the statutes is amended to read:

9 102.30 (7) (a) The ~~department~~ office may order direct reimbursement out of the
10 proceeds payable under this chapter for payments made under a nonindustrial
11 insurance policy covering the same disability and expenses compensable under s.
12 102.42 when the claimant consents or when it is established that the payments under
13 the nonindustrial insurance policy were improper. No attorney fee is due with
14 respect to that reimbursement.

15 *~~0610/P3.173~~*SECTION 2881. 102.31 (1) (b) of the statutes is amended to read:

16 102.31 (1) (b) Except as provided in par. (c), a contract under par. (a) shall be
17 construed to grant full coverage of all liability of the assured under this chapter
18 unless the ~~department~~ office specifically consents by written order to the issuance
19 of a contract providing divided insurance or partial insurance.

20 *~~0610/P3.174~~*SECTION 2882. 102.31 (2) (a) of the statutes is amended to read:

21 102.31 (2) (a) No party to a contract of insurance may cancel the contract within
22 the contract period or terminate or ~~not renew~~ nonrenew the contract upon the
23 expiration date of the contract until a notice in writing is given to the other party
24 fixing the proposed date of cancellation or declaring that the party intends to
25 terminate or ~~does not intend to renew~~ nonrenew the policy contract upon expiration.

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1 Except as provided in par. (b), when an insurance company ~~does not renew~~
2 nonrenews a policy contract upon expiration, the nonrenewal is not effective until 60
3 days after the insurance company has given written notice of the nonrenewal to the
4 insured employer and the ~~department~~ office. Cancellation or termination of a ~~policy~~
5 contract by an insurance company for any reason other than nonrenewal is not
6 effective until 30 days after the insurance company has given written notice of the
7 cancellation or termination to the insured employer and the ~~department~~ office.
8 Notice to the ~~department~~ office may be given by personal service of the notice upon
9 the ~~department~~ office at its office in Madison or by sending the notice to the
10 ~~department~~ office in a medium approved by the ~~department~~ office. The ~~department~~
11 office may provide by rule that ~~the a~~ notice of cancellation or termination be given
12 to the Wisconsin compensation rating bureau rather than to the ~~department~~ office
13 in a medium approved by the ~~department~~ office after consultation with the
14 Wisconsin compensation rating bureau. Whenever the Wisconsin compensation
15 rating bureau receives ~~such~~ a notice of cancellation or termination it that bureau
16 shall immediately notify the ~~department~~ office of the notice of cancellation or
17 termination.

18 *~~0610/P3.175~~*SECTION 2883. 102.31 (3) of the statutes is amended to read:

19 102.31 (3) The ~~department~~ office may examine from time to time the books and
20 records of any insurer insuring the liability or for compensation for of an employer
21 in this state. ~~The department may require an insurer to designate one mailing~~
22 ~~address for use by the department and to respond to correspondence from the~~
23 ~~department within 30 days as provided in s. 601.42.~~ Any insurer that refuses or fails
24 to answer correspondence from the department or to allow the department to

1 examine its books and records as required under s. 601.42 is subject to enforcement
2 proceedings under s. 601.64.

3 ***-0610/P3.176*SECTION 2884.** 102.31 (4) of the statutes is amended to read:

4 102.31 (4) If any insurer authorized to transact worker's compensation
5 insurance in this state fails to promptly pay claims for compensation for which it the
6 insurer is liable or fails to make reports to the department office required by under
7 s. 102.38, ~~the department may recommend to the commissioner of insurance, with~~
8 ~~detailed reasons, that enforcement proceedings under s. 601.64 be invoked. The~~
9 ~~commissioner shall furnish a copy of the recommendation to the insurer and shall~~
10 ~~set a date for a hearing, at which both the insurer and the department shall be~~
11 ~~afforded an opportunity to present evidence. If after the hearing the commissioner~~
12 ~~finds that the insurer has failed to carry out its obligations under this chapter, the~~
13 ~~commissioner shall~~ may institute enforcement proceedings under s. 601.64. ~~If the~~
14 ~~commissioner does not so find, the commissioner shall dismiss the complaint.~~

15 ***-0610/P3.177*SECTION 2885.** 102.31 (5) of the statutes is amended to read:

16 102.31 (5) If any employer whom the department office has exempted from
17 carrying the duty to carry compensation insurance arbitrarily or unreasonably
18 refuses employment to or discharges employees an employee because of a
19 nondisabling physical condition, the department office shall revoke the exemption
20 of that employer.

21 ***-0610/P3.178*SECTION 2886.** 102.31 (6) of the statutes is repealed.

22 ***-0610/P3.179*SECTION 2887.** 102.31 (7) of the statutes is amended to read:

23 102.31 (7) If the department office by one or more written orders specifically
24 consents to the issuance of one or more contracts covering only the liability incurred
25 on a construction project and if the construction project owner designates the

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1 insurance carrier and pays for each such contract, the construction project owner
2 shall reimburse the ~~department~~ office for all costs incurred by the ~~department~~ office
3 in issuing the written orders and in ensuring minimum confusion and maximum
4 safety on the construction project. All moneys received under this subsection shall
5 be deposited in the worker's compensation operations fund and credited to the
6 appropriation account under s. ~~20.445 (1)~~ 20.145 (6) (rb).

7 *~~0610/P3.180~~*SECTION 2888. 102.31 (8) of the statutes is amended to read:

8 102.31 (8) The Wisconsin compensation rating bureau shall provide the
9 ~~department~~ office with any information that the ~~department~~ office may request
10 relating to worker's compensation insurance coverage, including the names of
11 employers insured and any insured employer's address, business status, type and
12 date of coverage, manual premium code, and policy information including policy
13 numbers, cancellations, terminations, endorsements, and reinstatement dates. The
14 ~~department~~ office may enter into contracts with the Wisconsin compensation rating
15 bureau to share the costs of data processing and other services. No information
16 obtained by the ~~department~~ office under this subsection may be made public by the
17 ~~department~~ office except as authorized by the Wisconsin compensation rating
18 bureau.

19 *~~0610/P3.181~~*SECTION 2889. 102.315 (4) of the statutes is amended to read:

20 102.315 (4) MASTER POLICY; APPROVAL REQUIRED. An employee leasing company
21 may insure its liability under sub. (2) by obtaining a master policy that has been
22 approved by the commissioner of insurance as provided in this subsection. The
23 commissioner of insurance may approve the issuance of a master policy if the insurer
24 proposing to issue the master policy submits a filing to the bureau showing that the
25 insurer has the technological capacity and operation capability to provide to the

1 bureau information, including unit statistical data, information concerning proof of
2 coverage and cancellation, termination, and nonrenewal of coverage, and any other
3 information that the bureau may require, at the client level and in a format required
4 by the bureau and the bureau submits the filing to the commissioner of insurance for
5 approval under s. 626.13. A master policy filing under this subsection shall also
6 establish basic manual rules governing the issuance of an insurance policy covering
7 the leased employees of a divided workforce that are consistent with sub. (6) and the
8 cancellation, termination, and nonrenewal of policies that are consistent with sub.
9 (10). On approval by the commissioner of insurance of a master policy filing, an
10 insurer may issue a master policy to an employee leasing company insuring the
11 liability of the employee leasing company under sub. (2).

12 *~~0610/P3.182~~SECTION 2890. 102.315 (5) (b) (intro.) of the statutes is
13 amended to read:

14 102.315 (5) (b) (intro.) Within 30 days after the effective date of an employee
15 leasing agreement with a small client that is covered under a master policy under
16 par. (a), the employee leasing company shall report to the ~~department~~ office all of the
17 following information:

18 *~~0610/P3.183~~SECTION 2891. 102.315 (5) (c) of the statutes is amended to
19 read:

20 102.315 (5) (c) Within 30 days after the effective date of coverage of a small
21 client under a master policy under par. (a), the insurer or, if authorized by the
22 insurer, the employee leasing company shall file proof of that coverage with the
23 ~~department~~ office. Coverage of a small client under a master policy becomes binding
24 when the insurer or employee leasing company files proof of that coverage under this
25 paragraph or provides notice of coverage to the small client, whichever occurs first.

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1 Nothing in this paragraph requires an employee leasing company or an employee of
2 an employee leasing company to be licensed as an insurance intermediary under ch.
3 628.

4 ***-0610/P3.184*SECTION 2892.** 102.315 (6) (a) of the statutes is amended to
5 read:

6 102.315 (6) (a) If a client notifies the ~~department~~ office as provided under par.
7 (b) of its intent to have a divided workforce, an insurer may issue a worker's
8 compensation insurance policy covering only the leased employees of the client. An
9 insurer that issues a policy covering only the leased employees of a client is not liable
10 under s. 102.03 for any compensation payable under this chapter to an employee of
11 the client who is not a leased employee unless the insurer also issues a policy covering
12 that employee. A client that has a divided workforce shall insure its employees who
13 are not leased employees in the voluntary market and may not insure those
14 employees under the mandatory risk-sharing plan under s. 619.01 unless the leased
15 employees of the client are covered under that plan.

16 ***-0610/P3.185*SECTION 2893.** 102.315 (6) (b) (intro.) of the statutes is
17 amended to read:

18 102.315 (6) (b) (intro.) A client that intends to have a divided workforce shall
19 notify the ~~department~~ office of that intent on a form prescribed by the ~~department~~
20 office that includes all of the following:

21 ***-0610/P3.186*SECTION 2894.** 102.315 (6) (b) 1. of the statutes is amended to
22 read:

23 102.315 (6) (b) 1. The names and mailing addresses of the client and the
24 employee leasing company, the effective date of the employee leasing agreement, a

1 description of the employees of the client who are not leased employees, and such
2 other information as the ~~department~~ office may require.

3 *~~0610/P3.187~~*SECTION 2895. 102.315 (6) (b) 3. of the statutes is amended to
4 read:

5 102.315 (6) (b) 3. An agreement by the client to assume full responsibility to
6 immediately pay all compensation and other payments payable under this chapter
7 as may be required by the ~~department~~ office should a dispute arise between 2 or more
8 insurers as to liability under this chapter for an injury sustained while a divided
9 workforce plan is in effect, pending final resolution of that dispute. This subdivision
10 does not preclude a client from insuring that responsibility in an insurer authorized
11 to do business in this state.

12 *~~0610/P3.188~~*SECTION 2896. 102.315 (6) (d) of the statutes is amended to
13 read:

14 102.315 (6) (d) When the ~~department~~ office receives a notification under par.
15 (b), the ~~department~~ office shall immediately provide a copy of the notification to the
16 bureau.

17 *~~0610/P3.189~~*SECTION 2897. 102.315 (6) (e) 1. of the statutes is amended to
18 read:

19 102.315 (6) (e) 1. If a client intends to terminate a divided workforce plan, the
20 client shall notify the ~~department~~ office of that intent on a form prescribed by the
21 ~~department~~ office. Termination of a divided workforce plan by a client is not effective
22 until 10 days after notice of the termination is received by the ~~department~~ office.

23 *~~0610/P3.190~~*SECTION 2898. 102.315 (6) (e) 2. of the statutes is amended to
24 read:

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1 102.315 (6) (e) 2. If an insurer cancels, terminates, or ~~does not renew~~
2 nonrenews a worker's compensation insurance policy issued under a divided
3 workforce plan that covers in the voluntary market the employees of a client who are
4 not leased employees, the divided workforce plan is terminated on the effective date
5 of the cancellation, termination, or nonrenewal of the policy, unless the client
6 submits evidence under par. (c) that both the leased employees of the client and the
7 employees of the client who are not leased employees are covered under a mandatory
8 risk-sharing plan.

9 ***-0610/P3.191***SECTION 2899. 102.315 (6) (e) 3. of the statutes is amended to
10 read:

11 102.315 (6) (e) 3. If an insurer cancels, terminates, or ~~does not renew~~
12 nonrenews a worker's compensation insurance policy issued under a divided
13 workforce plan that covers under the mandatory risk-sharing plan under s. 619.01
14 the employees of a client who are not leased employees, the divided workforce plan
15 is terminated on the effective date of the cancellation, termination, or nonrenewal
16 of the policy.

17 ***-0610/P3.192***SECTION 2900. 102.315 (9) (a) of the statutes is amended to
18 read:

19 102.315 (9) (a) An insurer that issues a policy under sub. (3), (4), or (5) (a) may
20 charge a premium for coverage under that policy that complies with the applicable
21 classifications, rules, rates, and rating plans filed with and approved by the
22 commissioner of insurance under s. 626.13.

23 ***-0610/P3.193***SECTION 2901. 102.315 (10) (a) 2. of the statutes is amended
24 to read:

1 102.315 (10) (a) 2. The insureds under a policy described in subd. 1. may cancel
2 the policy during the policy period if both the employee leasing company and the
3 client agree to the cancellation, the cancellation is confirmed by the employee leasing
4 company promptly providing written confirmation of the cancellation to the client or
5 by the client agreeing to the cancellation in writing, and the insurer provides written
6 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

7 *~~0610/P3.194~~SECTION 2902. 102.315 (10) (a) 3. of the statutes is amended
8 to read:

9 102.315 (10) (a) 3. Subject to subd. 4., an insurer may cancel, terminate, or
10 nonrenew a policy described in subd. 1. by providing written notice of the
11 cancellation, termination, or nonrenewal to the insured employee leasing company
12 and to the ~~department~~ office as required under s. 102.31 (2) (a) and by providing that
13 notice to the insured client. The insurer is not required to state in the notice to the
14 insured client the facts on which the decision to cancel, terminate, or nonrenew the
15 policy is based. Except as provided in s. 102.31 (2) (b), cancellation or termination
16 of a policy under this subdivision for any reason other than nonrenewal is not
17 effective until 30 days after the insurer has provided written notice of the
18 cancellation or termination to the insured employee leasing company, the insured
19 client, and the ~~department~~ office. Except as provided in s. 102.31 (2) (b), nonrenewal
20 of a policy under this subdivision is not effective until 60 days after the insurer has
21 provided written notice of the cancellation or termination to the insured employee
22 leasing company, the insured client, and the ~~department~~ office.

23 *~~0610/P3.195~~SECTION 2903. 102.315 (10) (a) 4. of the statutes is amended
24 to read:

1 102.315 (10) (a) 4. If an employee leasing company terminates an employee
2 leasing agreement with a client in its entirety, an insurer may cancel or terminate
3 a policy described in subd. 1. covering that client during the policy period by
4 providing written notice of the cancellation or termination to the insured employee
5 leasing company and the ~~department~~ office as required under s. 102.31 (2) (a) and
6 by providing that notice to the insured client. The insurer shall state in the notice
7 to the insured client that the policy is being cancelled or terminated due to the
8 termination of the employee leasing agreement. Except as provided in s. 102.31 (2)
9 (b), cancellation or termination of a policy under this subdivision is not effective until
10 30 days after the insurer has provided written notice of the cancellation or
11 termination to the insured employee leasing company, the insured client, and the
12 ~~department~~ office.

13 *~~-0610/P3.196~~*SECTION 2904. 102.315 (10) (b) 2. of the statutes is amended
14 to read:

15 102.315 (10) (b) 2. The insureds under a policy described in subd. 1. may cancel
16 the policy during the policy period if both the employee leasing company and the
17 client agree to the cancellation, the cancellation is confirmed by the employee leasing
18 company promptly providing written confirmation of the cancellation to the client or
19 by the client agreeing to the cancellation in writing, and the insurer provides written
20 notice of the cancellation to the ~~department~~ office as required under s. 102.31 (2) (a).

21 *~~-0610/P3.197~~*SECTION 2905. 102.315 (10) (b) 3. of the statutes is amended
22 to read:

23 102.315 (10) (b) 3. An insurer may cancel, terminate, or nonrenew a policy
24 described in subd. 1., including cancellation or termination of a policy providing
25 continued coverage under subd. 4., by providing written notice of the cancellation,

1 termination, or nonrenewal to the insured employee leasing company and to the
2 ~~department~~ office as required under s. 102.31 (2) (a) and by providing that notice to
3 the insured client. Except as provided in s. 102.31 (2) (b), cancellation or termination
4 of a policy under this subdivision for any reason other than nonrenewal is not
5 effective until 30 days after the insurer has provided written notice of the
6 cancellation or termination to the insured employee leasing company, the insured
7 client, and the ~~department~~ office. Except as provided in s. 102.31 (2) (b), nonrenewal
8 of a policy under this subdivision is not effective until 60 days after the insurer has
9 provided written notice of the cancellation or termination to the insured employee
10 leasing company, the insured client, and the ~~department~~ office.

11 *~~0610/P3.198~~**SECTION 2906.** 102.32 (1m) (intro.) of the statutes is amended
12 to read:

13 102.32 (1m) (intro.) In any case in which compensation payments for an injury
14 have extended or will extend over 6 months or more after the date of the injury or in
15 any case in which death benefits are payable, any party in interest may, in the
16 discretion of the ~~department~~ office, be discharged from, or compelled to guarantee,
17 future compensation payments by doing any of the following:

18 *~~0610/P3.199~~**SECTION 2907.** 102.32 (1m) (a) of the statutes is amended to
19 read:

20 102.32 (1m) (a) Depositing the present value of the total unpaid compensation
21 upon a 5 percent interest discount basis with a credit union, savings bank, savings
22 and loan association, bank, or trust company designated by the ~~department~~ office.

23 *~~0610/P3.200~~**SECTION 2908.** 102.32 (1m) (c) of the statutes is amended to
24 read:

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1 102.32 (1m) (c) Making payment in gross upon a 5 percent interest discount
2 basis to be approved by the department office.

3 *~~0610/P3.201~~*SECTION 2909. 102.32 (1m) (d) of the statutes is amended to
4 read:

5 102.32 (1m) (d) In cases in which the time for making payments or the amounts
6 of payments cannot be definitely determined, furnishing a bond, or other security,
7 satisfactory to the department office for the payment of compensation as may be due
8 or become due. The acceptance of the bond, or other security, and the form and
9 sufficiency of the bond or other security, shall be subject to the approval of the
10 department office. If the employer or insurer is unable or fails to immediately
11 procure the bond, ~~then, the employer or insurer,~~ in lieu of procuring the bond, shall
12 ~~deposit shall be made~~ with a credit union, savings bank, savings and loan
13 association, bank, or trust company designated by the ~~department,~~ of office the
14 maximum amount that may reasonably become payable in ~~these~~ those cases, to be
15 determined by the department office at amounts consistent with the extent of the
16 injuries and the law. The bonds and deposits ~~are to~~ may be reduced only to satisfy
17 claims and may be withdrawn only after the claims which they are to guarantee are
18 fully satisfied or liquidated under par. (a), (b), or (c).

19 *~~0610/P3.202~~*SECTION 2910. 102.32 (5) of the statutes is amended to read:

20 102.32 (5) Any insured employer may, ~~within~~ in the discretion of the
21 department office, compel the insurer to discharge, or to guarantee payment of, the
22 employer's liabilities in any case described in sub. (1m) and ~~thereby by that discharge~~
23 or guarantee release the employer from ~~compensation liability for compensation in~~
24 that case, ~~but~~ except that if for any reason a bond furnished or deposit made under
25 sub. (1m) (d) does not fully protect the beneficiary of the bond or deposit, the

1 compensation insurer or insured employer, as the case may be, shall still be liable
2 to the that beneficiary of the ~~bond or deposit~~.

3 *-0610/P3.203*SECTION 2911. 102.32 (6) (b) of the statutes is amended to read:

4 102.32 (6) (b) Subject to par. (d), if the employer or the employer's insurer
5 concedes liability for an injury that results in permanent disability and if the extent
6 of the permanent disability can be determined based on a minimum permanent
7 disability rating promulgated by the ~~department~~ office by rule, compensation for
8 permanent disability shall begin within 30 days after the end of the employee's
9 healing period or the date on which compensation for temporary disability ends due
10 to the employee's return to work, whichever is earlier.

11 *-0610/P3.204*SECTION 2912. 102.32 (6) (d) of the statutes is amended to
12 read:

13 102.32 (6) (d) The ~~department~~ office shall promulgate rules for determining
14 when compensation for permanent disability shall begin in cases in which the
15 employer or the employer's insurer concedes liability, but disputes the extent of
16 permanent disability.

17 *-0610/P3.205*SECTION 2913. 102.32 (6) (e) of the statutes is amended to read:

18 102.32 (6) (e) Payments for permanent disability, including payments based on
19 minimum permanent disability ratings promulgated by the ~~department~~ office by
20 rule, shall continue on a monthly basis and shall accrue and be payable between
21 intermittent periods of temporary disability so long as the employer or insurer knows
22 the nature of the permanent disability.

23 *-0610/P3.206*SECTION 2914. 102.32 (6m) of the statutes is amended to read:

24 102.32 (6m) The ~~department~~ office may direct an advance on a payment of
25 unaccrued compensation for permanent disability or death benefits if the

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1 department office determines that the advance payment is in the best interest of the
2 injured employee or the employee's dependents. In directing the advance, the
3 department office shall give the employer or the employer's insurer an interest credit
4 against its liability. The credit shall be computed at 5 percent. An injured employee
5 or dependent may receive no more than 3 advance payments per calendar year.

6 *~~0610/P3.207~~*SECTION 2915. 102.32 (7) of the statutes is amended to read:

7 102.32 (7) No lump sum settlement shall be allowed in any case of permanent
8 total disability upon an estimated life expectancy, except upon consent of all parties,
9 after hearing and finding by the department division that the interests of the injured
10 employee will be conserved ~~thereby~~ by the lump sum settlement.

11 *~~0610/P3.208~~*SECTION 2916. 102.33 (title) of the statutes is amended to read:

12 102.33 (title) ~~Department forms~~ **Forms and records; public access.**

13 *~~0610/P3.209~~*SECTION 2917. 102.33 (1) of the statutes is amended to read:

14 102.33 (1) The department office and the division shall print and furnish free
15 to any employer or employee any blank forms that ~~the department considers~~ are
16 necessary to facilitate efficient administration of this chapter. ~~The department office~~
17 and the division shall keep any record books or records that ~~the department~~
18 considers are necessary for the proper and efficient administration of this chapter.

19 *~~0610/P3.210~~*SECTION 2918. 102.33 (2) (a) of the statutes is amended to read:

20 102.33 (2) (a) Except as provided in pars. (b) and (c), ~~the records of the~~
21 ~~department,~~ and the records of the commission, the office, and the division related
22 to the administration of this chapter are subject to inspection and copying under s.
23 19.35 (1).

24 *~~0610/P3.211~~*SECTION 2919. 102.33 (2) (b) (intro.) of the statutes is amended
25 to read:

1 102.33 (2) (b) (intro.) Except as provided in this paragraph and par. (d), a record
2 maintained by ~~the department or~~ by the commission, by the office, or by the division
3 that reveals the identity of an employee who claims worker's compensation benefits,
4 the nature of the employee's claimed injury, the employee's past or present medical
5 condition, the extent of the employee's disability, or the amount, type, or duration of
6 benefits paid to the employee and a record maintained by the ~~department~~ office that
7 reveals any financial information provided to the ~~department~~ office by a self-insured
8 employer or by an applicant for exemption under s. 102.28 (2) (b) are confidential and
9 not open to public inspection or copying under s. 19.35 (1). The ~~department or~~
10 commission, the office, or the division may deny a request made under s. 19.35 (1)
11 or, subject to s. 102.17 (2m) and (2s), refuse to honor a subpoena issued by an attorney
12 of record in a civil or criminal action or special proceeding to inspect and copy a record
13 that is confidential under this paragraph, unless ~~one~~ any of the following applies:

14 *~~-0610/P3.212~~*SECTION 2920. 102.33 (2) (b) 1. of the statutes is amended to
15 read:

16 102.33 (2) (b) 1. The requester is the employee who is the subject of the record
17 or an attorney or authorized agent of that employee. An attorney or authorized agent
18 of an employee who is the subject of a record shall provide a written authorization
19 for inspection and copying from the employee if requested by the ~~department or the~~
20 commission, the office, or the division.

21 *~~-0610/P3.213~~*SECTION 2921. 102.33 (2) (b) 2. of the statutes is amended to
22 read:

23 102.33 (2) (b) 2. The record that is requested contains confidential information
24 concerning a worker's compensation claim and the requester is an insurance carrier
25 or employer that is a party to any worker's compensation claim involving the same

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1 employee or an attorney or authorized agent of that insurance carrier or employer,
2 except that the ~~department or the commission, the office, or the division~~ is not
3 required to do a random search of its records and may require the requester to
4 provide the approximate date of the injury and any other relevant information that
5 would assist the ~~department or the commission, the office, or the division~~ in finding
6 the record requested. An attorney or authorized agent of an insurance carrier or
7 employer that is a party to an employee's worker's compensation claim shall provide
8 a written authorization for inspection and copying from the insurance carrier or
9 employer if requested by the ~~department or the commission, the office, or the~~
10 division.

11 ***-0610/P3.214***SECTION 2922. 102.33 (2) (b) 3. of the statutes is amended to
12 read:

13 102.33 (2) (b) 3. The record that is requested contains financial information
14 provided by a self-insured employer or by an applicant for exemption under s. 102.28
15 (2) (b) and the requester is the self-insured employer or applicant for exemption or
16 an attorney or authorized agent of the self-insured employer or applicant for
17 exemption. An attorney or authorized agent of the self-insured employer or of the
18 applicant for exemption shall provide a written authorization for inspection and
19 copying from the self-insured employer or applicant for exemption if requested by
20 the ~~department~~ office.

21 ***-0610/P3.215***SECTION 2923. 102.33 (2) (b) 4. of the statutes is amended to
22 read:

23 102.33 (2) (b) 4. A court of competent jurisdiction in this state orders the
24 ~~department or the commission, the office, or the division~~ to release the record.

25 ***-0610/P3.216***SECTION 2924. 102.33 (2) (c) of the statutes is amended to read:

1 102.33 (2) (c) A record maintained by the ~~department or the commission, the~~
2 office, or the division that contains employer or insurer information obtained from
3 the Wisconsin compensation rating bureau under s. 102.31 (8) or 626.32 (1) (a) is
4 confidential and not open to public inspection or copying under s. 19.35 (1) unless the
5 Wisconsin compensation rating bureau authorizes public inspection or copying of
6 that information.

7 *~~0610/P3.217~~**SECTION 2925.** 102.33 (2) (d) 2. of the statutes is amended to
8 read:

9 102.33 (2) (d) 2. The ~~department or the commission, the office, or the division~~
10 may release information that is confidential under par. (b) to a government unit, an
11 institution of higher education, or a nonprofit research organization for purposes of
12 research and may release information that is confidential under par. (c) to those
13 persons for that purpose if the Wisconsin compensation rating bureau authorizes
14 that release. A government unit, institution of higher education, or nonprofit
15 research organization may not permit inspection or disclosure of any information
16 released to it under this subdivision that is confidential under par. (b) unless the
17 ~~department or commission, the office, or the division~~ authorizes that inspection or
18 disclosure and may not permit inspection or disclosure of any information released
19 to it under this subdivision that is confidential under par. (c) unless the ~~department~~
20 or ~~commission, the office, or the division,~~ and the Wisconsin compensation rating
21 bureau, authorize the inspection or disclosure. A government unit, institution of
22 higher education, or nonprofit research organization that obtains any confidential
23 information under this subdivision for purposes of research shall provide the results
24 of that research free of charge to the person that released or authorized the release
25 of that information.

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1 *~~0610/P3.218~~*SECTION 2926. 102.35 (1) of the statutes is amended to read:

2 102.35 (1) Every employer and every insurance company that fails to keep the
3 records or to make the reports required by this chapter or that knowingly falsifies
4 such those records or makes false reports shall pay a work injury supplemental
5 benefit surcharge to the state of not less than \$10 nor more than \$100 for each
6 offense. The ~~department~~ office may waive or reduce a surcharge imposed under this
7 subsection if the employer or insurance company that violated this subsection
8 requests a waiver or reduction of the surcharge within 45 days after the date on
9 which notice of the surcharge is mailed to the employer or insurance company and
10 shows that the violation was due to mistake or an absence of information. A
11 surcharge imposed under this subsection is due within 30 days after the date on
12 which notice of the surcharge is mailed to the employer or insurance company.
13 Interest shall accrue on amounts that are not paid when due at the rate of 1 percent
14 per month. All surcharges and interest payments received under this subsection
15 shall be deposited in the fund established under s. 102.65.

16 *~~0610/P3.219~~*SECTION 2927. 102.35 (2) of the statutes is amended to read:

17 102.35 (2) Any employer, or duly authorized agent ~~thereof~~ of an employer, who,
18 without reasonable cause, refuses to rehire an employee injured in the course of
19 employment, or who, because of a claim or attempt to claim compensation benefits
20 from such that employer, discriminates or threatens to discriminate against an
21 employee as to the employee's employment, shall ~~forfeit to the state not less than \$50~~
22 ~~nor more than \$500~~ be subject to a forfeiture under s. 601.64 (3) (c) for each offense.
23 No action under this subsection may be commenced except upon request of the
24 department office.

25 *~~0610/P3.220~~*SECTION 2928. 102.35 (3) of the statutes is amended to read:

1 102.35 (3) Any employer who without reasonable cause refuses to rehire an
2 employee who is injured in the course of employment, where when suitable
3 employment is available within the employee's physical and mental limitations,
4 upon order of the ~~department and in addition to other benefits~~ division, has exclusive
5 liability to pay to the employee, in addition to other benefits, the wages lost during
6 the period of such that refusal, not exceeding one year's wages. In determining the
7 availability of suitable employment, the continuance in business of the employer
8 shall be considered and any written rules promulgated by the employer with respect
9 to seniority or the provisions of any collective bargaining agreement with respect to
10 seniority shall govern.

11 *~~0610/P3.221~~*SECTION 2929. 102.37 of the statutes is amended to read:

12 **102.37 Employers' records.** Every employer of 3 or more persons and every
13 employer who is subject to this chapter shall keep a record of all accidents causing
14 death or disability of any employee while performing services growing out of and
15 incidental to the employment. ~~This~~ That record shall give the name, address, age,
16 and wages of the deceased or injured employee, the time and causes of the accident,
17 the nature and extent of the injury, and any other information the ~~department~~ office
18 may require by rule or general order. Reports based upon ~~this~~ that record shall be
19 furnished to the ~~department~~ office at such times and in such manner as the
20 ~~department~~ office may require by rule or general order, in a format approved by the
21 ~~department~~ office.

22 *~~0610/P3.222~~*SECTION 2930. 102.38 of the statutes is amended to read:

23 **102.38 Records and reports of payments.** Every insurance company that
24 transacts the business of compensation insurance, and every employer who is subject
25 to this chapter, but whose liability is not insured, shall keep a record of all payments

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1 made under this chapter and of the time and manner of making the payments and
2 shall furnish reports based upon these records and any other information to the
3 department office as the department office may require by rule or general order, in
4 a format approved by the department office.

5 *~~0610/P3.223~~*SECTION 2931. 102.39 of the statutes is amended to read:

6 **102.39 Rules and general orders; application of statutes.** The provisions
7 of s. 103.005 relating to the adoption, publication, modification, and court review of
8 rules or general orders of the department ~~shall~~ of workforce development apply to all
9 rules promulgated or general orders adopted by the office under this chapter in the
10 same manner as those provisions apply to rules promulgated or general orders
11 adopted by the department of workforce development.

12 *~~0610/P3.224~~*SECTION 2932. 102.40 of the statutes is amended to read:

13 **102.40 Reports not evidence in actions.** Reports furnished to the
14 department ~~pursuant to~~ office under ss. 102.37 and 102.38 ~~shall not be~~ are not
15 admissible as evidence in any action or proceeding arising out of the death or accident
16 reported.

17 *~~0610/P3.225~~*SECTION 2933. 102.42 (1m) of the statutes is amended to read:

18 **102.42 (1m) LIABILITY FOR UNNECESSARY TREATMENT.** If an employee who has
19 sustained a compensable injury undertakes in good faith invasive treatment that is
20 generally medically acceptable, but that is unnecessary, the employer shall pay
21 disability indemnity for all disability incurred as a result of that treatment. An
22 employer is not liable for disability indemnity for any disability incurred as a result
23 of any unnecessary treatment undertaken in good faith that is noninvasive or not
24 medically acceptable. This subsection applies to all findings that an employee has
25 sustained a compensable injury, whether the finding results from a hearing, the

1 default of a party, or a compromise or stipulation confirmed by the department
2 division.

3 ***-0610/P3.226*SECTION 2934.** 102.42 (6) of the statutes is amended to read:

4 102.42 (6) TREATMENT REJECTED BY EMPLOYEE. Unless the employee shall have
5 has elected Christian Science treatment in lieu of medical, surgical, dental, or
6 hospital treatment, no compensation shall be payable for the death or disability of
7 an employee, if the death ~~be~~ is caused, or insofar as the disability may be aggravated,
8 caused, or continued, by an unreasonable refusal or neglect to submit to or follow any
9 competent and reasonable medical, surgical, or dental treatment or, in the case of
10 tuberculosis, by refusal or neglect to submit to or follow hospital or medical
11 treatment when found by the department division to be necessary. The right to
12 compensation accruing during a period of refusal or neglect to submit to or follow
13 hospital or medical treatment when found by the department division to be
14 necessary in the case of tuberculosis shall be barred, irrespective of whether
15 disability was aggravated, caused, or continued ~~thereby~~ by that refusal or neglect.

16 ***-0610/P3.227*SECTION 2935.** 102.42 (8) of the statutes is amended to read:

17 102.42 (8) AWARD TO STATE EMPLOYEE. Whenever the division makes an award
18 ~~is made by the department in~~ on behalf of a state employee, the ~~department of~~
19 ~~workforce development~~ division shall file duplicate copies of the award with the
20 subunit of the the department of administration responsible for risk management.
21 Upon receipt of the copies of the award, the department of administration shall
22 promptly issue a voucher in payment of the award from the proper appropriation
23 under s. 20.865 (1) (fm), (kr), or (ur), and shall transmit one copy of the voucher and
24 the award to the officer, department, or agency by whom the affected employee is
25 employed.

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1 *~~0610/P3.228~~*SECTION 2936. 102.42 (9) (a) of the statutes is amended to read:

2 102.42 (9) (a) One of the primary purposes of this chapter is restoration of an
3 injured employee to gainful employment. To this end, the ~~department~~ office shall
4 employ a specialist in physical, medical, and vocational rehabilitation.

5 *~~0610/P3.229~~*SECTION 2937. 102.42 (9) (b) of the statutes is amended to read:

6 102.42 (9) (b) ~~Such~~ The specialist employed under par. (a) shall study the
7 problems of rehabilitation, both physical and vocational and shall refer suitable
8 cases to the ~~department~~ office for vocational evaluation and training. The specialist
9 shall investigate and maintain a directory of such rehabilitation facilities, private
10 and public, as are capable of rendering competent rehabilitation service to seriously
11 injured employees.

12 *~~0610/P3.230~~*SECTION 2938. 102.425 (4m) (a) of the statutes is amended to
13 read:

14 102.425 (4m) (a) ~~The department office has jurisdiction under this subsection~~
15 ~~and s. 102.16 (1m) (c) and s. 102.17~~ to resolve a dispute between a pharmacist or
16 practitioner and an employer or insurer over the reasonableness of the amount
17 charged for a prescription drug dispensed under sub. (2) for outpatient use by an
18 injured employee who claims benefits under this chapter.

19 *~~0610/P3.231~~*SECTION 2939. 102.425 (4m) (b) of the statutes is amended to
20 read:

21 102.425 (4m) (b) An employer or insurer that disputes the reasonableness of
22 the amount charged for a prescription drug dispensed under sub. (2) for outpatient
23 use by an injured employee or the ~~department~~ division under sub. (4) (b) or s. 102.16
24 (1m) (c) or 102.18 (1) (bg) 3. shall provide, within 30 days after receiving a completed
25 bill for the prescription drug, reasonable written notice to the pharmacist or

1 practitioner that the charge is being disputed. After receiving reasonable written
2 notice under this paragraph or under sub. (4) (b) or s. 102.16 (1m) (c) or 102.18 (1)
3 (bg) 1. that a prescription drug charge is being disputed, a pharmacist or practitioner
4 may not collect the disputed charge from, or bring an action for collection of the
5 disputed charge against, the employee who received the prescription drug.

6 *~~0610/P3.232~~SECTION 2940. 102.425 (4m) (c) of the statutes is amended to
7 read:

8 102.425 (4m) (c) A pharmacist or practitioner that receives notice under par.
9 (b) that the reasonableness of the amount charged for a prescription drug dispensed
10 under sub. (2) for outpatient use by an injured employee is in dispute shall file the
11 dispute with the department office within 6 months after receiving that notice.

12 *~~0610/P3.233~~SECTION 2941. 102.425 (4m) (d) of the statutes is amended to
13 read:

14 102.425 (4m) (d) The department office shall deny payment of a prescription
15 drug charge that the department office determines under this subsection to be
16 unreasonable. A pharmacist or practitioner and an employer or insurer that are
17 parties to a dispute under this subsection over the reasonableness of a prescription
18 drug charge are bound by the department's office's determination under this
19 subsection on the reasonableness of the disputed charge, unless that determination
20 is set aside on judicial review as provided in par. (e).

21 *~~0610/P3.234~~SECTION 2942. 102.425 (4m) (e) of the statutes is amended to
22 read:

23 102.425 (4m) (e) Within 30 days after a determination under this subsection,
24 the department office may set aside, reverse, or modify the determination for any
25 reason that the department office considers sufficient. Within 60 days after a

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1 determination under this subsection, the department office may set aside, reverse,
2 or modify the determination on grounds of mistake. A pharmacist, practitioner,
3 employer, or insurer 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/P3.235*SECTION 2943.** 102.43 (5) (b) of the statutes is amended to read:

7 102.43 (5) (b) Except as provided in s. 102.61 (1g), temporary disability shall
8 also include such period as the employee may be receiving instruction under s. 102.61
9 (1) or (1m). Temporary disability on account of receiving instruction under s. 102.61
10 (1) or (1m), and not otherwise resulting from the injury, shall not be in excess of 80
11 weeks. ~~Such~~ That 80-week limitation does not apply to temporary disability benefits
12 under this section, the cost of tuition, fees, books, travel, or maintenance under s.
13 102.61 (1), or the cost of private rehabilitation counseling or rehabilitative training
14 under s. 102.61 (1m) if the department office determines that additional training is
15 warranted. The necessity for additional training as authorized by the department
16 office for any employee shall be subject to periodic review and reevaluation.

17 ***-0452/2.2*SECTION 2944.** 102.44 (1) (ag) of the statutes is amended to read:

18 102.44 (1) (ag) Notwithstanding any other provision of this chapter, every
19 employee who is receiving compensation under this chapter for permanent total
20 disability or continuous temporary total disability more than 24 months after the
21 date of injury resulting from an injury that occurred prior to January 1, 2001, shall
22 receive supplemental benefits that shall be payable ~~in the first instance~~ by the
23 employer or, subject to par. (c), the employer's insurance carrier, or in the case of
24 benefits payable to an employee under s. 102.66, shall be paid by the department out
25 of the fund created under s. 102.65. Those supplemental benefits shall be paid only

1 for weeks of disability occurring after January 1, 2003, and shall continue during the
2 period of such total disability subsequent to that date.

3 *~~0452/2.3~~SECTION 2945. 102.44 (1) (ag) of the statutes, as affected by 2015
4 Wisconsin Act (this act), is amended to read:

5 102.44 (1) (ag) Notwithstanding any other provision of this chapter, every
6 employee who is receiving compensation under this chapter for permanent total
7 disability or continuous temporary total disability more than 24 months after the
8 date of injury resulting from an injury that occurred prior to January 1, 2001, shall
9 receive supplemental benefits that shall be payable by the employer or, ~~subject to par-~~
10 ~~(e)~~, the employer's insurance carrier, or in the case of benefits payable to an employee
11 under s. 102.66, shall be paid by the ~~department~~ office out of the fund created under
12 s. 102.65. Those supplemental benefits shall be paid only for weeks of disability
13 occurring after January 1, 2003, and shall continue during the period of such total
14 disability subsequent to that date.

****NOTE: This is reconciled s. 102.44 (1) (ag). This SECTION has been affected by
drafts with the following LRB numbers: -0452/1 and -0610/P2.

15 *~~0452/2.4~~SECTION 2946. 102.44 (1) (c) of the statutes is renumbered 102.44
16 (1) (c) 1. and amended to read:

17 102.44 (1) (c) 1. ~~Subject to any certificate filed under s. 102.65 (4), an employer~~
18 ~~or~~ An insurance carrier paying the supplemental benefits required under this
19 subsection shall be entitled to reimbursement for each such case from the ~~fund~~
20 ~~established by s. 102.65~~ worker's compensation operations fund, commencing one
21 year after the date of the first payment of those benefits and annually thereafter
22 while those payments continue. To receive reimbursement under this paragraph, an
23 ~~employer or~~ insurance carrier must file a claim for that reimbursement with the

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1 department by no later than 12 months after the end of the year in which the
2 supplemental benefits were paid and the claim must be approved by the department.

3 *~~0610/P3.236~~SECTION 2947. 102.44 (1) (c) 1. of the statutes, as affected by
4 2015 Wisconsin Act ... (this act), is amended to read:

5 102.44 (1) (c) 1. An insurance carrier paying the supplemental benefits
6 required under this subsection shall be entitled to reimbursement for each such case
7 from the worker's compensation operations fund, commencing one year after the
8 date of the first payment of those benefits and annually thereafter while those
9 payments continue. To receive reimbursement under this paragraph, an insurance
10 carrier must file a claim for that reimbursement with the department office by no
11 later than 12 months after the end of the year in which the supplemental benefits
12 were paid and the claim must be approved by the department office.

****NOTE: This is reconciled s.102.44 (1) (c) 1. This SECTION has been affected by
drafts with the following LRB numbers: -0452/1 and -0610/P2.

13 *~~0452/2.5~~SECTION 2948. 102.44 (1) (c) 2. of the statutes is created to read:

14 102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under
15 subd. 1., the department shall determine the total amount of all claims filed by that
16 deadline and shall use that total to determine the amount to be collected under s.
17 102.75 (1g) from each licensed worker's compensation insurance carrier, deposited
18 in the worker's compensation operations fund, and used to provide reimbursement
19 to insurance carriers paying supplemental benefits under this subsection. Subject
20 to subd. 3., the department shall pay a claim for reimbursement approved by the
21 department by no later than 16 months after the end of the year in which the claim
22 was received by the department.

1 ***-0610/P3.237*SECTION 2949.** 102.44 (1) (c) 2. of the statutes, as created by
2 2015 Wisconsin Act (this act), is amended to read:

3 102.44 (1) (c) 2. After the expiration of the deadline for filing a claim under
4 subd. 1., the ~~department~~ office shall determine the total amount of all claims filed
5 by that deadline and shall use that total to determine the amount to be collected
6 under s. 102.75 (1g) from each licensed worker's compensation insurance carrier,
7 deposited in the worker's compensation operations fund, and used to provide
8 reimbursement to insurance carriers paying supplemental benefits under this
9 subsection. Subject to subd. 3., the ~~department~~ office shall pay a claim for
10 reimbursement approved by the ~~department~~ office by no later than 16 months after
11 the end of the year in which the claim was received by the ~~department~~ office.

 ***NOTE: This is reconciled s.102.44 (1) (c) 2. This SECTION has been affected by
 drafts with the following LRB numbers: -0452/1 and -0610/P2.

12 ***-0452/2.6*SECTION 2950.** 102.44 (1) (c) 3. of the statutes is created to read:

13 102.44 (1) (c) 3. The maximum amount that the department may pay under
14 subd. 2. in a calendar year is \$5,000,000. If the amount determined payable under
15 subd. 2. in a calendar year is \$5,000,000 or less, the department shall pay that
16 amount. If the amount determined payable under subd. 2. in a calendar year exceeds
17 \$5,000,000, the department shall pay \$5,000,000 in the year in which the
18 determination is made and, subject to the maximum amount payable of \$5,000,000
19 per calendar year, shall pay the excess in the next calendar year or in subsequent
20 calendar years until that excess is paid in full. The department shall pay claims for
21 reimbursement under subd. 2. in the chronological order in which those claims are
22 received.

SECTION 2951

1 ***-0610/P3.238***SECTION 2951. 102.44 (1) (c) 3. of the statutes, as created by
2 2015 Wisconsin Act (this act), is amended to read:

3 102.44 (1) (c) 3. The maximum amount that the department office may pay
4 under subd. 2. in a calendar year is \$5,000,000. If the amount determined payable
5 under subd. 2. in a calendar year is \$5,000,000 or less, the department office shall
6 pay that amount. If the amount determined payable under subd. 2. in a calendar
7 year exceeds \$5,000,000, the department office shall pay \$5,000,000 in the year in
8 which the determination is made and, subject to the maximum amount payable of
9 \$5,000,000 per calendar year, shall pay the excess in the next calendar year or in
10 subsequent calendar years until that excess is paid in full. The department office
11 shall pay claims for reimbursement under subd. 2. in the chronological order in
12 which those claims are received.

 ****NOTE: This is reconciled s.102.44 (1) (c) 3. This SECTION has been affected by
drafts with the following LRB numbers: -0452/1 and -0610/P2.

13 ***-0452/2.7***SECTION 2952. 102.44 (1) (c) 4. of the statutes is created to read:
14 102.44 (1) (c) 4. This paragraph does not apply to supplemental benefits paid
15 for an injury that occurs on or after January 1, 2016.

16 ***-0610/P3.239***SECTION 2953. 102.44 (2) of the statutes is amended to read:
17 102.44 (2) In case of permanent total disability, aggregate indemnity shall be
18 weekly indemnity for the period that the employee may live. Total impairment for
19 industrial use of both eyes, ~~or~~ the loss of both arms at or near the shoulder, ~~or~~ the loss
20 of both legs at or near the hip, or the loss of one arm at the shoulder and one leg at
21 the hip, constitutes permanent total disability. This enumeration is not exclusive,
22 but in other cases the department division shall find the facts.