The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 102.04 (2g) of the statutes is created to read:

102.04 (2g) Liability under s. 102.03 with respect to a leased employee, as defined in s. 102.315 (1) (g), shall be determined as provided in s. 102.315 (2) or (2m) (c), whichever is applicable.

SECTION 2. 102.04 (2m) of the statutes is amended to read:

102.04 (2m) A. Except as otherwise provided in an employee leasing agreement that meets the requirements of s. 102.315 (2m), a temporary help agency is the employer of an employee whom the temporary help agency has placed with or leased to another employer that compensates the temporary help agency for the employee’s services. A. Except as provided in s. 102.315 (2m) (c), a temporary help agency is liable under s. 102.03 for all compensation and other payments payable under this chapter to or with respect to that employee, including any payments required under s. 102.16 (3), 102.18 (1) (b) 3. or (bp), 102.22 (1), 102.35 (3), 102.57, or 102.60. Except as permitted under s. 102.29, a temporary help agency may not seek or receive reimbursement from another employer for any payments made as a result of that liability.

SECTION 3. 102.13 (2) (a) of the statutes is amended to read:

102.13 (2) (a) An employee who reports an injury alleged to be work-related or files an application for hearing waives any physician–patient, psychologist–patient, or chiropractor–patient privilege with respect to any condition or complaint reasonably related to the condition for which the employee claims compensation. Notwithstanding ss. 51.30 and 146.82 and any other law, any physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice nurse prescriber, hospital, or health care provider shall, within a reasonable time after written request by the employee, employer, worker’s compensation insurer, department, or division, or its representative, provide that person with any information or written material reasonably related to any injury for which the employee claims compensation. If the request is by a representative of a worker’s compensation insurer for a billing statement, the physician, chiropractor, psychologist, dentist, podiatrist, physician assistant, advanced practice nurse prescriber, hospital, or health care provider shall, within 30 days after receiving

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. “Every act and every portion of an act enacted by the legislature over the governor’s partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication.”
the request, provide that person with a complete copy of
an itemized billing statement or a billing statement in a
standard billing format recognized by the federal govern-
ment.

SECTION 4. 102.17 (4) of the statutes is renumbered
102.17 (4) (a) and amended to read:

102.17 (4) (a) Except as provided in this subsection
and s. 102.555 (12) (b), in the case of occupational dis-
ease, the right of an employee, the employee’s legal rep-
resentative, or a dependent, the employee’s employer or
the employer’s insurance company, or other named party
to proceed under this section shall not extend beyond 12
years after the date of the injury or death or after the date
that compensation, other than for treatment or burial
expenses, was last paid, or would have been last payable
if no advancement were made, whichever date is latest,
and in the case of traumatic injury, that right shall not
extend beyond 6 years after that date.

(b) In the case of occupational disease; a traumatic
injury resulting in the loss or total impairment of a hand
or any part of the rest of the arm proximal to the hand or
of a foot or any part of the rest of the leg proximal to the
foot, any loss of vision, or any permanent brain injury;
or a traumatic injury causing the need for an artificial spinal
disc or a total or partial knee or hip replacement, there
shall be no statute of limitations, except that benefits or
treatment expense for an occupational disease becoming
due 12 years after the date of injury or death or last pay-
ment of compensation, other than for treatment or burial
expenses, shall be paid from the work injury supplemen-
tal benefit fund under s. 102.65 and in the manner pro-
vided in s. 102.66 and benefits or treatment expense for
such a traumatic injury becoming due 6 years after that
date shall be paid from that fund and in that manner if the
date of injury or death or last payment of compensation,
other than for treatment or burial expenses, is before
April 1, 2006.

(c) Payment of wages by the employer during dis-
ability or absence from work to obtain treatment shall be
considered payment of compensation for the purpose of
this section if the employer knew of the employee’s condi-
tion and its alleged relation to the employment.

SECTION 5. 102.17 (9) of the statutes is created to
read:

102.17 (9) (a) In this subsection:
1. “Fire fighter” means any person employed on a
full−time basis by the state or any political subdivision
as a member or officer of a fire department, including the 1st
class cities and state fire marshal and deputies.

2. “Post−traumatic stress disorder” means that condi-
tion, as described in the 5th edition of the Diagnostic and
Statistical Manual of Mental Disorders by the American
Psychiatric Association.

(b) Subject to par. (c), in the case of a mental injury
that is not accompanied by a physical injury and that
results in a diagnosis of post−traumatic stress disorder in
a law enforcement officer, as defined in s. 23.33 (1) (ig),
or a fire fighter, the claim for compensation for the mental
injury, in order to be compensable under this chapter, is
subject to all of the following:

1. The mental injury must satisfy all of the following
conditions:
   a. The diagnosis of post−traumatic stress disorder is
      made by a licensed psychiatrist or psychologist.
   b. The conditions of liability under s. 102.03 (1) are
      proven by the preponderance of the evidence.
   c. No individual may receive compensation for a
      claim of mental injury under this subsection more than 3
      times in his or her lifetime. The limitation under this
      paragraph applies irrespective of whether the individual
      becomes employed by a different employer or in a differ-
      ent position with the same employer.

SECTION 6. 102.29 (6m) (a) 1m. of the statutes is cre-
ated to read:

102.29 (6m) (a) 1m. The employee leasing company
that employs the leased employee.

SECTION 7. 102.29 (6m) (a) 3. of the statutes is amends
ed to read:

102.29 (6m) (a) 3. Any employee of the client or an
employee leasing company that employs the leased employee
described in subd. 2., or the employee leasing company
that employs the leased employee, unless the leased
employee who has the right to make a claim for compen-
sation would have a right under s. 102.03 (2) to bring an
action against the employee of the client, the employee
leasing company that employs the leased employee, or
the leased employee of the other employee leasing com-
pany described in subd. 2., if the employees and leased
employees were coemployees.

SECTION 8. 102.315 (1) (c) of the statutes is amended
to read:

102.315 (1) (c) “Divided workforce” means a work-
force in which some of the employees of a client are
leased employees and some of the employees of the client
are not leased employees, but does not include a work-
force with respect to a client that has elected to provide
insurance coverage for leased employees under sub.
(2m).

SECTION 9. 102.315 (2) of the statutes is amended to
read:
102.315 (2) Employee leasing company liable. An employee leasing company is liable under s. 102.03 for all compensation payable to a leased employee, including any payments required under s. 102.16 (3), 102.18 (1) (b) 3. or (bp), 102.22 (1), 102.35 (3), 102.57, or 102.60. If a client that makes an election under sub. (2m) (a) terminates the election, fails to provide the required coverage, or allows coverage to lapse, the employee leasing company is liable under s. 102.03 as set forth in this subsection. Except as permitted allowed under s. 102.29, an employee leasing company may not seek or receive reimbursement from another employer for any payments made as a result of that liability. An employee leasing company is not liable under s. 102.03 for any compensation payable under this chapter for a leased employee, including any payments required under s. 102.16 (3), 102.18 (1) (b) 3. or (bp), 102.22 (1), 102.35 (3), 102.57, or 102.60. If a client that makes an election under par. (a), the employee leasing company shall include the client’s federal employer identification number on any reports to the department for the purposes of administering the worker’s compensation program or the unemployment insurance program under ch. 108.

(e) The experience rating under the standards and criteria under ss. 626.11 and 626.12 remain with a client that makes an election under par. (a).

SECTION 10. 102.315 (2e) of the statutes is created to read:

102.315 (2e) Termination of employee leasing agreement. If an employee leasing company terminates an employee leasing agreement with a client that has made an election under sub. (2m) (a), the company shall provide notice of the termination of an employee leasing agreement to the department and the client, on a form prescribed by the department, at least 30 days before the termination of the employee leasing agreement. The notice provided under this subsection must contain all of the following information:

(a) The name, mailing address, and federal employer identification number of the employee leasing company.

(b) The name, mailing address, and federal employer identification number of the client.

(c) The effective date of the termination of the employee leasing agreement.

(d) The signatures of the authorized representatives of the client and the employee leasing company.

SECTION 11. 102.315 (2m) of the statutes is created to read:

102.315 (2m) Client election to provide insurance coverage. (a) A client may elect to provide insurance coverage under this chapter for leased employees. Such an election must be provided in an employee leasing agreement, and the leased employees must be insured in the voluntary market and not under a mandatory risk-sharing plan under s. 619.01.

(b) The client shall provide notice of an election or termination of an election under par. (a) to the department and the employee leasing company on a form prescribed by the department at least 30 days before the effective date of the election or termination of the election. The notice provided under this subsection must contain all of the following information:

1. The name, mailing address, and federal employer identification number of the client.
condition of the employee or to maintain the existing status of such condition whether or not healing is completed.

SECTION 14. 102.42 (1p) of the statutes is created to read:

102.42 (1p) LIABILITY FOR TREATMENT OF CERTAIN MENTAL INJURIES. The employer of an employee whose injury is a mental injury that is compensable under s. 102.17 (9) is liable for the employee’s treatment of the mental injury for no more than 32 weeks after the injury is first reported.

SECTION 15. 102.44 (7) of the statutes is created to read:

102.44 (7) In the case of an employee whose injury is a mental injury that is compensable under s. 102.17 (9), the period of disability may not exceed 32 weeks after the injury is first reported.

SECTION 16. 102.49 (5) (b) of the statutes is amended to read:

102.49 (5) (b) In addition to the payment required under par. (a), in each case of injury resulting in death leaving no person dependent for support, the employer or insurer shall, except as provided in s. 102.58 (2), pay into the state treasury the amount of the death benefit otherwise payable, minus any payment made under s. 102.48 (1). The payment under this paragraph shall, except as provided in par. (cm), be made in 5 equal annual installments, with the first installment due as of the date of death.

SECTION 17. 102.49 (5) (c) of the statutes is amended to read:

102.49 (5) (c) In addition to the payment required under par. (a), in each case of injury resulting in death, leaving one or more persons partially dependent for support, the employer or insurer shall, except as provided in s. 102.58 (2), pay into the state treasury an amount which, when added to the sums paid or to be paid on account of partial dependency and under s. 102.48 (1), shall equal the death benefit payable to a person wholly dependent.

SECTION 18. 102.49 (5) (cm) of the statutes is created to read:

102.49 (5) (cm) The employer or insurer may make advance payments of amounts owed under par. (b) or (c), up to and including a lump sum payment of the entire amount owed. If an employer or insurer makes an advance payment, the department shall give the employer or the insurer an interest credit against its liability for payments made in excess of that required under par. (b) or (c). The credit shall be computed at 5 percent.

SECTION 19. 102.49 (5) (e) of the statutes is amended to read:

102.49 (5) (e) The adjustments in liability provided in ss. 102.57, 102.58 (1), and 102.60 do not apply to payments made under this section.

SECTION 20. 102.58 of the statutes is renumbered 102.58 (1) and amended to read:

102.58 (1) If injury is caused by the failure of the employee to use safety devices that are provided in accordance with any statute, rule, or order of the department of safety and professional services and that are adequately maintained, and the use of which is reasonably enforced by the employer, or if injury results from the employee’s failure to obey any reasonable rule adopted and reasonably enforced by the employer for the safety of the employee and of which the employee has notice, the compensation and death benefit provided in this chapter shall be reduced by 15 percent, but the total reduction may not exceed $15,000.

2) If an employee violates the employer’s policy concerning employee drug or alcohol use and is injured, and if that violation is causal to the employee’s injury, no compensation or death benefits shall be payable to the injured employee or a dependent of the injured employee and no payment under s. 102.49 (5) (b) or (c) shall be payable. Nothing in this section subsection shall reduce or eliminate an employer’s liability for incidental compensation under s. 102.42 (1) to (8) or drug treatment under s. 102.425.


1) WORKER’S COMPENSATION INSURANCE; RATE APPROVAL; NOTICE. The commissioner of insurance shall submit to the legislative reference bureau for publication in the Wisconsin Administrative Register a notice of the effective date of new rates for worker’s compensation insurance first approved by the commissioner after the effective date of this subsection.

SECTION 22. Initial applicability.

1) The treatment of ss. 102.17 (9), 102.42 (1) and (1p), and 102.44 (7) first applies to injuries reported on the effective date of rate changes for worker’s compensation insurance approved by the commissioner of insurance under s. 626.13 after the effective date of this subsection.