
Report From Agency

DATE: April 10, 2025

TO: Richard Champagne, Acting Senate Chief Clerk
c/o Erin Gillitzer, Assistant Senate Chief Clerk
Room B20 Southeast, State Capitol
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Edward A. Blazel, Assembly Chief Clerk
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FROM: Amy Pechacek, Secretary-designee
Department of Workforce Development

SUBJECT: Notice and Report for Final Draft Form of Proposed Rule
Clearinghouse Rule 25-005: Worker's Compensation

Pursuant to s. 227.19 (2), Stats., the Department of Workforce Development is submitting for legislative review the attached proposed rule in final draft form for Clearinghouse Rule 25-005. The governor approved this proposed rule on April 3, 2025. The analysis required under s. 227.14 (2), Stats., is included in the proposed rule. Also attached is the Fiscal Estimate & Economic Impact Analysis and the Rules Clearinghouse report and comments.

Basis and Purpose

This proposed rule makes minor and technical changes to the Department's worker's compensation rules in ch. DWD 80. The changes are necessary to align the chapter with changes to worker's compensation statutes made by 2011 Wisconsin Act 183 and 2015 Wisconsin Act 180. The statutory changes relate to assessments to self-insured employers for payments into the Self-Insured Employer's Liability Fund, the requirements for the state and its political subdivisions to become self-insured for worker's compensation purposes, and the determination of reasonable health service procedure fees in disputes involving those fees and procedures. The proposed rule also clarifies a registration requirement for businesses seeking to become self-insured. In addition, the rule corrects cross references.

Public Hearings

On January 16, 2024, the Department held a preliminary public hearing and comment period on the proposed rule's Statement of Scope, SS 113-23, as well as on Statements of Scope for other worker's compensation rules. The plain language analysis of the proposed rule summarizes the comment received at the preliminary hearing and the Department's response to the comment. The Department held a public hearing on the proposed rule on March 5, 2025. Prior to the public hearing, the Department received one written comment, but that comment pertained to a specific worker's compensation claim and was not related to the proposed rule. The Department received no other comments regarding the proposed rule.

Changes to the Analysis or Fiscal Estimate

The Department revised the analysis to indicate the deadline for comments and to reflect modifications the Department made to the proposed rule in response to the Rules Clearinghouse comments. The Department made no other changes to the analysis or fiscal estimate.

Responses to Rules Clearinghouse

The Rules Clearinghouse made recommendations and comments related to the following:

Form, Style and Placement in the Administrative Code: The Department revised the proposed rule as recommended by the Rules Clearinghouse.

Adequacy of References to Related Statutes, Rules and Forms: As recommended by the Rules Clearinghouse, the Department listed the specific statutes the Department is interpreting in the statutes interpreted section of the proposed rule. The Department also revised the cross reference in s. DWD 80.60 (3) (c) 1. as recommended by the Rules Clearinghouse.

Clarity, Grammar, Punctuation and Use of Plain Language: The Department revised the proposed rule as recommended by the Rules Clearinghouse.

Final Regulatory Flexibility Analysis and Response to SBRRB

The proposed rule does not have an effect on small businesses, as defined in s. 227.114 (1), Stats. Therefore, the Department did not submit the proposed rule to the Small Business Regulatory Review Board (SBRRB) and a final regulatory analysis is not required.