

CR 93-129

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Carol Skornicka, Secretary of the Department of Industry,

Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Electronic Reporting

(Subject)

were duly approved and adopted by this department on October 7, 1993

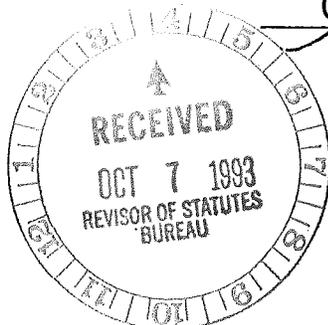
(Date)

I further certify that said copy has been compared by me with the original on file in the department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1:30 p.m.

in the city of Madison, this 7th day of October A.D. 19 93

Carol Skornicka
Secretary



12-1-93

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s)

102.15(1), 102.37, 102.38, Stats.

Stats., the Department of Industry, Labor and Human Relations creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

Ind 80.02

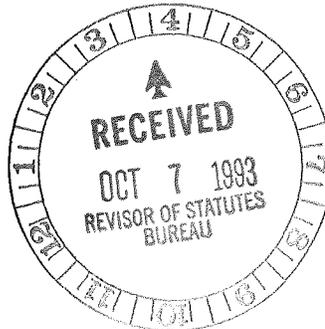
Reports

(Number)

(Title)

The attached rules shall take effect on December 1, 1993 or

on the first day of the month following publication pursuant to section 227.22, Stats.



Adopted at Madison, Wisconsin this

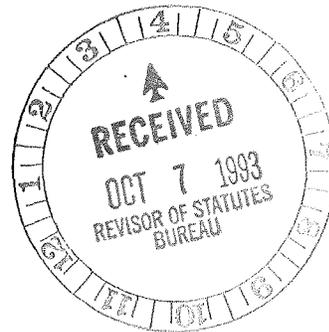
date: October 7, 1993

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS


Secretary



RULES in FINAL DRAFT FORM



Rule No.: _____ Ind 80.02
Relating to: _____ Electronic Reporting
Clearinghouse Rule No.: _____ 93-129

The Wisconsin Department of Industry, Labor and Human Relations proposes an order to renumber and amend Ind 80.02 (1); to amend Ind 80.02 (2) (intro); and to create Ind 80.02 (1) (b) and (3m), relating to electronic reporting.

Analysis of Proposed Rules

Statutory Authority: ss. 102.15 (1), 102.37 and 102.38, Stats.

Statutes Interpreted: ss. 102.37 and 102.38, Stats.

Chapter Ind 80.02 establishes the reporting requirements relating to a work-related injury for employers, self-insurers and insurance carriers. These requirements were established prior to recent technological advances.

The following is a summary of the major provisions that are being changed in Ind 80.02; the proposed rules:

1. Authorize employers to use FAX or other emerging technologies to report the death of an employe;

2. Allow the Department, upon written request, to authorize employers, self-insurers, and insurance carriers to file most of the required injury, payment and wage information via electronic media--computer to computer.

3. Require a written authorization from the Department stating the terms and conditions for granting and revoking the privilege to report electronically;

4. Extend the deadline for employers to file a paper Form WC-12 with the Department from 4 days to 7 days, and eliminate this paper filing by the employer if the insurer reports electronically; insurers authorized to report electronically would be required to report the information on form WC-12 electronically with the Department on or before the 14th day following that on which the injury occurred; and,

5. Require employers to notify their insurer of the injury within 7 days.

In proposing these changes, the Department considered the following policy and administrative factors:

1. Using these newer technologies would provide immediate cost savings to the Department and insurance carriers compared to paper filings and provide the Department with more accurate data via electronic reporting.

2. Extending the current 4-day deadline for reporting to the Department on the WC-12 to 7 days more accurately reflects actual Department practice.

3. Requiring employers to report injuries to insurers within 7 days is more important than their reporting to the Department because reporting to the carrier is what gets the worker a timely first payment--reducing litigation.

4. The rule provides a non-punitive incentive to insurers to dramatically improve the accuracy and timeliness of their reporting and that of their insured-employers. Electronic reporting is a privilege which many insurers are eager to use, but which the Department will authorize only for those who agree to meet rigorous standards for accuracy and timeliness.

5. Employers will no longer have to file two reports; filing only with the insurer should eliminate cost and confusion, particularly for smaller employers.

SECTION 1. Ind 80.02 (1) is renumbered Ind 80.02 (1) (a) and amended to read:

IND 80.02 REPORTS. (1) (a) Employers. Employers covered by the provisions of ch. 102, Stats., shall, within one day after the death of an employe due to an accident or industrial disease, make a brief report of this occurrence to the department by telegraph, telephone ~~or by letter~~, letter, facsimile transmission or other means authorized by the department. ~~They~~ Except as provided in par. (b), employers shall also make a report to the department on a form WC-12 and notify their insurance carriers of the injury on or before the fourth 7th day after the accident or beginning of a disability from occupational disease upon every accident or disease causing death or disability which exists beyond the third 3rd day after the employe leaves work as a result of the accident or disease (s. 102.43, Stats.)

SECTION 2. Ind 80.02 (1) (b) is created to read:

Ind 80.02 (1) (b) Alternative for employers. In lieu of filing form WC-12 with the department as required in par. (a), an employer may, on or before the 7th day after the date of injury, report information required by form WC-12 to the department as authorized under sub. (3m) (a) or to an insurer who is authorized to file on behalf of its insured employers under sub. (3m) (a). An insurer reporting to the department on behalf of its insured employers shall report the information required by form WC-12 on or before the 14th day following that on which the injury occurred, or if the employer does not notify the insurer until after the 14th day, within 7 days of receiving notice of the injury from any source.

SECTION 3. Ind 80.02 (2) (intro.) is amended to read:

Ind 80.02 (2) (intro.) SELF-INSURED EMPLOYERS AND INSURANCE COMPANIES. Pursuant Except as provided in sub. (3m), pursuant to s. 102.38, Stats., for injuries which require the first report of injury set forth in sub. (1), self-insured employers and insurance companies shall:

SECTION 4. Ind 80.02 (3m) is created to read:

Ind 80.02 (3m) REPORTING BY ELECTRONIC, MAGNETIC OR OTHER MEDIA. (a) An employer, self-insured employer or insurer may make a written request to the department to submit the information in reports or amendments to reports required to be filed with the department in sub. (1) or (2) via electronic, magnetic or other media satisfactory to the department. The department may authorize an employer, self-insured employer or insurer to use electronic, magnetic or other reporting media after considering the extent to which it will help the employer, self-insured employer or insurer meet or exceed the applicable reporting requirements and performance standards in subs. (1) to (3).

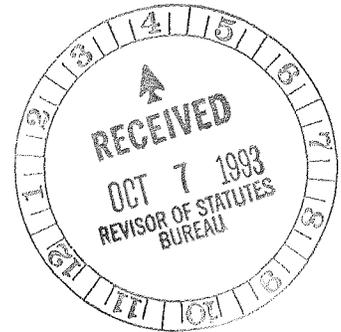
(b) The authorization shall be in writing and shall state the terms and conditions for granting and revoking the privilege to use electronic, magnetic or other reporting media, including any terms and conditions relating to reporting requirements or performance standards in subs. (1) to (3). The written authorization shall specify what variations exist, if any, between the data required to be submitted on forms WC-12, WC-13, WC-13a, or other forms that are used by the department and the data required to be submitted via electronic, magnetic or other media.

(c) When the department authorizes a self-insured employer or an insurer to use electronic, magnetic or other reporting media to report information required by form WC-12, the self-insured employer or an employer insured by the insurer is exempt from the 7-day reporting requirement in sub. (1) (a).

(END)

EFFECTIVE DATE

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.



Tommy G. Thompson
Governor
Carol Skornicka
Secretary



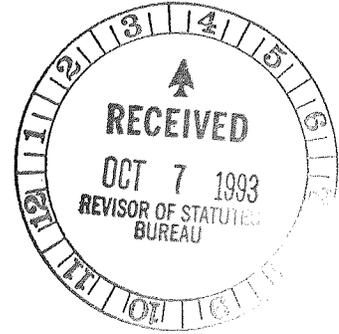
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State of Wisconsin
Department of Industry, Labor and Human Relations

October 7, 1993

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703



Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 93-129
RULE NO. Ind 80.02
RELATING TO: Electronic Reporting

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,


Carol Skornicka
Secretary