



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 183
[2011 Senate Bill 409]

Worker's Compensation

2011 Wisconsin Act 183 relates to various changes to the Worker's Compensation Law, granting rule-making authority, and making an appropriation. The provisions of the Act were unanimously recommended to the Legislature by the Worker's Compensation Advisory Council.

The Act makes the following changes to claims and payments of Worker's Compensation:

- Increases the maximum weekly worker's compensation rate for permanent partial disability from \$302 to \$312 per week until January 2013, and then to \$322 per week.
- Lowers the allowed standard deviation from the mean, for disputed fees, from 1.4 to 1.2.
- Allows a person receiving vocational rehabilitation training to receive wages for working up to 24 hours per week, without affecting temporary disability compensation, through April 30, 2012. The Act also requires an employer or insurer to reimburse the cost of tuition, fees, and books under the program.
- Specifies that compensation for permanent disfigurement is allowed only if the person suffers an actual wage loss.
- Requires an employer or insurer to submit a final practitioner's report to the Department of Workforce Development (DWD) for an eye injury that requires medical treatment on three or more occasions off the employer's premises. The Act specifies that a final practitioner's report is not required for any injury if the employer or insurer denies the claim for compensation and the denial is not contested by the employee.

The Act also revises certain aspects of the supplemental benefit fund as follows:

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

- Removes a provision that the Wisconsin Supreme Court held had improperly applied liability retroactively to an employer or insurer, for an injury that occurred before April 1, 2006.
- Allows the fund to join a third-party liability action.
- Places a time limit of one year after the end of the year in which supplemental benefits were paid for an employer or insurer to claim reimbursement from the fund.
- Limits compensation from the fund for further disability after a second injury to one use of further compensation from the fund per person.
- Reduces the grace period for payment of a surcharge before interest accrues from 90 days to 30 days.
- Allows DWD to contract with the Department of Administration to process, investigate, and pay claims.
- Allows prioritizing of payment of claims if the known outstanding claims were to exceed 85% of the fund's cash balance.

Lastly, the Act requires a study and an audit on certain aspects of Worker's Compensation. If DWD has not begun the audit by November 1, 2012, the maximum compensation rate for permanent partial disability for an injury that occurs on or after January 1, 2013, is \$317 per week, and the standard deviation from the mean for resolving a disputed fee after January 1, 2013, is 1.3.

Effective date: 2011 Wisconsin Act 183 is effective April 17, 2012. The revised maximum compensation rate of \$312 per week for a permanent partial disability applies to an injury that occurs between April 17, 2012, and December 31, 2012, and the rate of \$322 per week applies to an injury that occurs on or after January 1, 2013. The revised standard deviation from the mean for resolving a disputed fee applies to a fee dispute submitted to DWD on or after April 17, 2012. The authorization for a person enrolled in vocational rehabilitation training to receive wages for up to 24 hours of work per week without affecting the temporary disability compensation applies to a week of disability beginning on or after April 22, 2012, and expires April 30, 2014. The requirement for reimbursement of tuition, fees, and books applies to those costs that are incurred on or after April 17, 2012. The supplemental benefit fund is authorized to join a third-party liability action for an injury or death that occurs on or after April 17, 2012. A claim by an employer or insurer for reimbursement from the supplemental benefit fund for benefits paid before January 1, 2011, must be filed by December 31, 2012, and claims for benefits paid during 2011, or after, must be filed within one year after the end of the year in which the benefit was paid. The reduced grace period for payment of a surcharge applies to a surcharge imposed on or after April 17, 2012.

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