

1969 Senate Bill 468

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CHAPTER 324, LAWS OF 1969

AN ACT to repeal 943.39 (1); to renumber 943.39 (2) to (4); to amend 102.17 (1) (as); and to create 943.395 of the statutes, relating to fraudulent claims for insurance benefits.

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

SECTION 1. 102.17 (1) (as) of the statutes is amended to read:

102.17 (1) (as) The contents of verified medical and surgical reports, by physicians and surgeons licensed in and practicing in Wisconsin, presented by claimants for compensation shall constitute prima facie evidence as to the matter contained therein, subject to such rules and limitations as the commission prescribes. Verified reports of physicians and surgeons, wherever licensed and practicing, to whom the claimant had been sent for examination or treatment by the employer or insurer, if such doctor consents to subject himself to cross-examination shall also constitute prima facie evidence as to the matter contained therein and verified reports by doctors of dentistry shall be admissible as evidence of the diagnosis and necessity for treatment but not of disability. Physicians and surgeons licensed in and practicing in this state may certify instead of verify such reports, and such certification shall be equivalent to verification; and any physician or surgeon who knowingly makes a false statement of fact or opinion in such certified report may be fined or imprisoned or both under s. ~~943.39~~ 943.395. The record of a hospital or sanatorium in this state operated by any department, agency, or municipality of the federal or state government, or of any other hospital or sanatorium in this state which is satisfactory to the commission, established by certificate, affidavit or testimony of the supervising officer or other person having charge of such records, or of a physician or surgeon, to be such record of the patient in question, and made in the regular course of examination or treatment of such patient, shall constitute prima facie evidence in any workmen's compensation proceeding as to the matter contained therein, insofar as it is otherwise competent and relevant.

SECTION 2. 943.39 (1) of the statutes is repealed.

SECTION 3. 943.39 (2) to (4) of the statutes are renumbered 943.39 (1) to (3), respectively.

SECTION 4. 943.395 of the statutes is created to read:

943.395 FRAUDULENT INSURANCE CLAIMS. Whoever, knowing it to be false or fraudulent, does any of the following shall be fined not less than \$100 nor more than \$500 or imprisoned in the county jail for not less than 30 days nor more than one year or both:

(1) Presents or causes to be presented a false or fraudulent claim, or any proof in support of such claim, to be paid under any contract or certificate of insurance; or

(2) Prepares, makes or subscribes to a false or fraudulent account, certificate, affidavit, proof of loss or other document or writing, with knowledge that the same may be presented or used in support of a claim for payment under a policy of insurance.

Approved December 15, 1969.