

AMENDMENTS TO CH. DWD 80 WIS. ADM. CODE
CREATION OF CH. DWD 81 WIS. ADM. CODE
PLAIN LANGUAGE SUMMARY
EFFECTIVE NOVEMBER 1, 2007

1. **Supplementary Reports by Employers and Insurance Carriers.** The current rule requires self-insured employers and insurance carriers to submit a final treating practitioner's report to the Worker's Compensation Division in cases where there are more than three (3) weeks of lost time or any permanent disability. This amendment adds the requirement for a final report in cases where surgery was performed, other than surgery to correct a hernia, even if there is no permanent disability or less than three (3) weeks of lost time. DWD 80.02 (e) 4.
2. **Compromise Agreement.** The amount of lump sum payment over and above the accrued amount of proceeds from compromise settlements will be increased from \$5,000 to \$10,000 and the department's name will be updated from the Department of Industry, Labor and Human Relations to the Department of Workforce Development. DWD 80.03 (1) (d) and (g).
3. **Payments After Orders.** DWD 80.15 of the Wisconsin Administrative Code is repealed since this rule is outdated and no longer needed. S. 102.18 (1) (e), Wis. Stats., as amended effective March 30, 2004, establishes a uniform 21 day payment standard for timely payment for all orders by self-insured employers and insurance carriers.
4. **Minimum Permanent Disability Ratings.** Establishment of a minimum permanent partial disability rating of 7.5 percent (%) of the body as a whole at each level for the implantation of an artificial spinal disc. DWD 80.32 (11).
5. **Lump Sum and Advance Payments.** This is a technical amendment that updates the rule to cite s. 102.32 (6m), Wis. Stats., as the correct statutory section. DWD 80.39 (1).
6. **Vocational Rehabilitation.** The amendment deletes the reference to the Department of Health and Family Services and substitutes the Division of Vocational Rehabilitation. DWD 80.49 (2), (7) (b) and (8).
7. **Computation of Permanent Disabilities.** This amendment clarifies that compensation based on the increase for injuries to the dominant hand provided in s. 102.54, Wis. Stats, is calculated in the same manner as other multiple injury factors under s. 102.53, Wis. Stats. DWD 80.50 (1) (a), (2) and (3).
8. **Computation of Weekly Wage.** This is a technical amendment that reflects the current law setting a 24 hour minimum workweek for part-time employees who are part of a class. DWD 80.51 (4).

9. **Payment From the Second Injury Fund.** This is a technical amendment that updates the rule to cite s. 102.32 (6m), Wis. Stats., as the correct statutory section. DWD 80.68 (1) and (3).
10. **Reasonableness of Fee Disputes.** This is a technical amendment that changes the definition of “formula amount” by reducing standard deviations from 1.5 to 1.4 to be the same as provided in s. 102.16 (2)(d), Wis. Stats., as amended effective March 30, 2005. DWD 80.72 (2) (i).
11. **Reasonableness of Fee Disputes.** This amendment updates the rule to include advance practice nurse prescriber to the definition of provider or health service provider. DWD 80.72 (2) (L).
12. **Necessity of Treatment Disputes.** Under this amendment physician assistant and advance practice nurse prescriber are included in the definition of provider. DWD 80.73 (2) (d).
13. **Treatment Guidelines.** Treatment guidelines are created for use in resolving necessity of treatment disputes. The guidelines are factors for an impartial health care services review organization and members from an independent panel of experts established by the Worker’s Compensation Division to consider in rendering opinions to resolve necessity of treatment disputes under s. 102.16 (2m), Stats., and s. DWD 80.73. The treatment guidelines were developed from the Minnesota WC Treatment Parameters and conform to the Wisconsin worker’s compensation law. A 14 member advisory committee is also established to advise the department and the Worker’s Compensation Advisory Council about future amendments to the treatment guidelines. Ch. DWD 81.

(Draft JTO 10.29.07)