

**AMENDMENTS TO THE WORKER'S COMPENSATION ACT
PLAIN LANGUAGE SUMMARY 2009 WIS. ACT 206
EFFECTIVE MAY 1, 2010**

1. **Emergency Responders Performing Services.** Volunteer fire fighters, first responders, emergency medical technicians, rescue squad members and diving team members are covered under ch. 102, Stats., from the time of being paged or called, including travel to the fire station/ambulance garage etc., to location of fire or emergency and return, except for deviations for private or personal purposes. s. 102.03 (1) (c) 2.
2. **Definition of Employer.** This amendment will add the territorial limitation that the services of three or more employees must be performed in Wisconsin to make the employer subject to ch. 102, Stats. s. 102.04 (1) (b) 1.
3. **Permanent Partial Disability.** The maximum weekly benefit rates for permanent partial disability (PPD) are increased to \$292 for injuries occurring before January 1, 2011 and to \$302 for injuries occurring on and after January 1, 2011. s. 102.11 (1).
4. **Procedure & Notice of Hearing.** This is a technical amendment by the drafter to update language and to divide the paragraph into subdivisions. s. 102.17 (1) (a) 1, 2 & 4.
5. **Written Notice for Bad Faith Claims.** The party that makes a claim for bad faith is required to give written notice stating with reasonable specificity the basis for the claim to the employer, insurance carrier and the Department before a hearing will be scheduled. s. 102.17 (1) (a) 3.
6. **Notice of Insurance Cancellation or Termination.** Worker's compensation insurance carriers may be required to provide the Department and the Wisconsin Compensation Rating Bureau with notice of cancellation, termination or non renewal of worker's compensation insurance policies by electronic means only. s. 102.31 (2) (a).
7. **Pharmacy Fee Disputes.** Insurance carriers and self-insured employers are required to provide notice in writing to pharmacists or practitioners that the reasonableness of charge is in dispute. s. 102.425 (4m) (b).
8. **Suspension of Temporary Disability.** Compensation for temporary disability will be suspended for an employee who has been convicted of a crime, is incarcerated, and not available to return to work during the healing period. s. 102.43 (9) (d).

9. **Supplemental Benefits.** Supplemental benefits for employees with old injuries who are permanently and totally disabled are extended covering 8 more years from 1993 to 2000 with the maximum weekly benefit rate increased from \$450 to \$582 and payable for weeks of disability beginning with the effective date of the amendment. s. 102.44 (1).
10. **Social Security Reverse Offset.** The Social Security Reverse offset will not apply to compensation payable for vocational rehabilitation retraining. s. 102.44 (5).
11. **Burial Expense.** Burial expense will be set at the actual charge up to a maximum of \$10,000. s. 102.50.
12. **Occupational hearing Loss.** Liability is eliminated for expense of examination or test, treatment for hearing loss, evaluation of examination or testing, medical treatment for hearing loss, restoring hearing or hearing aids for occupational hearing loss claims that do not reach the level of hearing loss to qualify for indemnity. This amendment applies to claims made on and after January 1, 2012. s. 102.555 (12).
13. **Illegal Employment of Minors.** These amendments eliminate language for employers to pay additional compensation for wage loss. ss. 102.11 (3) & 102.60 (1m) and (6).
14. **Annual Assessment.** Interest on payments for assessments begins to accrue when assessments are not paid within 30 days rather than 90 days to synchronize payments with the Department of Workforce Development's accounting system. s. 102.75 (2).
15. **Uninsured Employers Fund.** The Department will be permitted to waive payments owed by uninsured employers for any benefits or claim costs paid by the UEF when the Department determines that the employer was a victim of fraud, misrepresentation, or gross negligence by an insurance agent or insurance broker. s. 102.82 (ar)

(JOM 5.5.10)