

WISCONSIN

Wisconsin Statutes

Wis. Stat. s. 102.125 Fraud reporting, investigation, and prosecution.

(1) FRAUDULENT CLAIMS REPORTING AND INVESTIGATION. If an insurer or self-insured employer has evidence that a claim is false or fraudulent in violation of s. 943.395 and if the insurer or self-insured employer is satisfied that reporting the claim to the department will not impede its ability to defend the claim, the insurer or self-insured employer shall report the claim to the department. The department may require an insurer or self-insured employer to investigate an allegedly false or fraudulent claim and may provide the insurer or self-insured employer with any records of the department relating to that claim. An insurer or self-insured employer that investigates a claim under this subsection shall report on the results of that investigation to the department.

(2) ASSISTANCE BY DEPARTMENT OF JUSTICE. The department of workforce development may request the department of justice to assist the department of workforce development in an investigation under sub. (1) or in the investigation of any other suspected fraudulent activity on the part of an employer, employee, insurer, health care provider, or other person related to worker's compensation.

(3) PROSECUTION. If based on an investigation under sub. (1) or (2) the department has a reasonable basis to believe that a violation of s. 943.20, 943.38, 943.39, 943.392, 943.395, 943.40, or any other criminal law has occurred, the department shall refer the results of the investigation to the department of justice or to the district attorney of the county in which the alleged violation occurred for prosecution.

History: 1993 a. 81; 2001 a. 37; 2015 a. 180.

<https://docs.legis.wisconsin.gov/statutes/statutes/102/125>

Wis. Stat. s. 895.486 Civil immunity exemption; reports of insurance fraud.

(1) In this section, "insurance fraud" means the presentation of any statement, document or claim, or the preparation of a statement, document or claim with the knowledge that the statement, document or claim will be presented, that the person knew or should have known contained materially false, incomplete or misleading information concerning any of the following:

- (a) An application for the issuance of an insurance policy.
- (b) A claim for payment, reimbursement or benefits payable under an insurance policy.
- (c) A payment made in accordance with the terms of an insurance policy.
- (d) A premium on an insurance policy.
- (e) The rating of an insurance policy.

(2) Any person who, absent malice, files a report with or furnishes information concerning suspected, anticipated, or completed insurance fraud is immune from civil liability for his or her acts or omissions in filing the report or furnishing the information to any of the following or to their agents, employees or designees:

- (a) The office of the commissioner of insurance.
- (b) A law enforcement officer.
- (c) The National Association of Insurance Commissioners.

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- (d) Any governmental agency established to detect and prevent insurance fraud.
- (e) Any nonprofit organization established to detect and prevent insurance fraud.
- (f) Any insurer or authorized representative of an insurer.

(3) Any information furnished by an insurer in response to a report or information furnished under sub. (2) is confidential and may be made public only if required in a civil or criminal action.

(4) If a civil action is commenced against a person for damages related to the filing of a report or the furnishing of information under sub. (2) and the court determines that the person is immune from civil liability for his or her acts or omissions in filing the report or furnishing the information, the person filing the report or furnishing the information shall recover costs under ch. 814 and, notwithstanding s. 814.04 (1), reasonable attorney fees.

History: 1995 a. 177.

<https://docs.legis.wisconsin.gov/statutes/statutes/895/ii/486>

DWD WC webpage - Fraud: How To Report WC Fraud

<https://dwd.wisconsin.gov/wc/fraud/>