

Legislative Proposals from the Public and Legislators for WCAC Consideration in 2017-2018 5.1.17

	Statute/Rule	Topic	Proposal	Source	Date
1.	102.175	Apportionment of Pre-existing Conditions	Establish a three (3) person board comprised of medical doctors to make determinations on apportionment for non-work related pre-existing conditions.	Eric Roesler, AGRA Industries	WCAC Public Hearing 11/15/16
2.	102.15 (3)	Stenographic Court Reports	Do not eliminate the statutory requirement for worker's compensation hearings to be transcribed by stenographic court reports as proposed in the 2017-2019 Biennial Budget.	<p>Attorney Laura M. Lyons, President, Wisconsin Defense Council</p> <p>Attorney Russell T. Golla, President, Wisconsin Association for Justice</p> <p>Attorney Jason R. Oldenburg, President, Wisconsin Association of Worker's Compensation Attorneys</p>	<p>Letter 11/16/16</p> <p>&</p> <p>Presentation to WCAC at meeting on December 13, 2016 by Attorney Charlie F. Domer</p>

3.	<p>1. 102.57</p> <p>2.102.22 (3)</p> <p>3.No Current Statute or Rule</p>	<p>1.15% Increased Compensation</p> <p>2.LIRC & Court Interest</p> <p>3.Write Offs of Bills by Health Care Providers</p>	<p>1. Increase the maximum award for 15% increased compensation from \$15,000 to \$25,000. Consideration should also be given to further increasing both the maximum amount and percentage of increased compensation when an injury results in death.</p> <p>2. After an application for hearing and litigation, if an award of benefits is made in favor of the injured employee, interest shall be due on all monies awarded from the date the hearing application was filed until the award is paid at the rate of 5% compounded annually.</p> <p>3. Create a law that requires an insurance carrier, upon a finding of liability for the medical care, to pay the health care provider the amount of any bill that has been written off as a result of accepting payment from Medicare or Medicaid with an attorney fee of 20% to be paid on that amount to the successful attorney for producing the additional money for the health care provider.</p>	Attorney John B. Edmondson	Letter 12/30/16
4.	102.59 (1)	Second Injury Fund	Allow injured employees receiving compensation for permanent total disability from the Second Injury Fund to also be eligible to receive supplemental benefits. Suggested language for this amendment is to add as the last sentence to s. 102.59 (1), " An employee receiving permanent total disability benefits pursuant to this statute shall also be eligible to receive supplemental benefits as provided in s. 102.44 (1)."	Attorney John D. Neal	Letter 12/8/16 & Presentation to WCAC at meeting on 1/10/17

5.	<p>1. 102.81 (6)</p> <p>2. 102.81 (6)</p> <p>3.No Current Statute or Rule</p> <p>4. No Current Statute or Rule</p>	<p>1. Compromise Settlements in Uninsured Employer Fund (UEF) Cases</p> <p>2. Compromise Settlements in Uninsured Employer Fund (UEF) Cases</p> <p>3.Good Faith Knowledge Defense for UEF Reimbursement and Penalty Claims</p> <p>4. Retroactive Application of Amendments</p>	<p>1.Authorize the Uninsured Employers Fund (UEF) to enter into compromise and limited compromise settlements with injured people in the same manner that workers, insurers and self-insured employers do routinely.</p> <p>2. Authorize the UEF and the Worker's Compensation Division to enter into compromise settlements with uninsured employers on claims for reimbursement and penalties in the same manner that workers, insurers and self-insured employers do routinely.</p> <p>3. Create a defense for reimbursement and penalty claims against uninsured employers, including directors, officers, shareholders and members based on their good faith knowledge, understanding and belief under the totality of the circumstances.</p> <p>4. The proposed amendments will have retroactive effect.</p>	Attorney Russell W. Wilson	Letter 1/6/17
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6.	No Current Statute or Rule	Department Coordination with Kids' Chance of Wisconsin	Authorize the Department of Workforce Development/Worker's Compensation Division to coordinate with Kids' Chance of Wisconsin to provide and disseminate educational materials to injured workers and their dependents.	Attorney Douglas M. Feldman & Attorney Charlie F. Domer	e-mail messages 12/7/16 & 1/30/17 Letter 3/8/17 Presentation to WCAC at meeting on 3/14/17 by Attorney Charlie F. Domer
7.	DWD 80.13	Audiovisual Recording of Hearings	Amend DWD 80.13 to allow the parties the option to record testimony at hearings by audiovisual devices.	Attorney John B. Edmondson	e-mail message 3/13/17