

**AMENDMENTS TO THE WORKER'S COMPENSATION ACT
PLAIN LANGUAGE SUMMARY 2015 WISCONSIN ACT 180
EFFECTIVE MARCH 2, 2016**

1. **Local Government Unit**. The definition of "municipality" will be amended to "local government unit" that includes special purpose district, political subdivision and taxing jurisdiction of the state. s. 102.01 (2) (d)
2. **Persons Selling or Distributing Newspapers**. Section 102.07 (6) is repealed that defines persons selling or distributing newspapers or magazines on the street or house to house as employees, and the nine point test in s. 102.07 (8) (b) will be used to determine if they are employees or independent contractors for workers compensation purposes. s. 102.07 (6)
3. **WC Insurance Coverage of Fiscal Agents**. Financial management services (fiscal agents) for long term care programs for elderly or disabled people will be permitted to cover all individuals receiving services under the WC insurance policy of the fiscal agent. The individuals providing services will be employees of the fiscal agent for WC purposes in situations where the elderly or disabled persons do not have their own WC insurance coverage. s. 102.07 (20)
4. **PPD Rate**. The maximum weekly permanent partial disability (PPD) rate will increase to \$342 for injuries occurring on and after the effective date and to \$362 for injuries occurring on and after January 1, 2017. s. 102.11 (1) (intro)
5. **WC Fraud**. The Department shall fund one (1) Department of Justice (DOJ) position to investigate and prosecute fraud committed by employees, employers, insurance carriers and providers. s. 102.125
6. **Electronic Medical Record Fee**. The cost for medical records in an electronic format shall be set at a fixed rate of \$26.00 per request. s. 102.13 (2) (b)
7. **Treating Practitioner's Final Report**. A treating practitioner's final medical report must be provided on a timely basis at a maximum charge of \$100.00. A treating practitioner's final report will not be required in cases where a claim is completely denied. s. 102.13 (2) (c)
8. **Statute of Limitations**. The statute of limitations for traumatic injuries will be reduced from 12 years to six (6) years. s. 102.17 (4)

9. **Permanent Disability Apportionment.** Apportionment of permanent disability resulting from accidental injuries will be based on causation. A practitioner who prepares a report on permanent disability shall address the issue of causation of the permanent disability that includes a determination of the percentage of permanent disability caused by the direct result of the work-related injury and the percentage attributable to other factors before and after the injury. An employee who claims a work-related injury shall upon request disclose all previous permanent disabilities or physical impairments and the records needed to make an apportionment determination. s. 102.175 (3)

10. **Prospective Orders for Retraining.** Administrative law judges will have the authority to issue prospective orders for vocational rehabilitation retraining benefits for future courses of instruction or training. s. 102.18 (1) (b) 1

11. **Petitions for Review.** The standard for LIRC to review late appeals is clarified. s.102.18 (3)

12. **LIRC Set Aside Orders.** The time during which LIRC may set aside an order for further consideration runs from the date of LIRC's order. s. 102.18 (4) (b)

13. **Parties for Judicial Review.** The party who files an appeal of a LIRC decision to the Circuit Court shall be named as the plaintiff and shall name as defendants LIRC and those persons and entities identified by LIRC in its decision as necessary to be named as a party for the appeal to court. s. 102.23 (1) (a) (c) & (cm)

14. **Self-insurance for Political Subdivisions.** The process for political subdivisions of the state to become self-insured for WC purposes will be included in the statute. This change will clarify the Self-insurers Council is not involved with the self-insured status of political subdivisions. s. 102.28 (2) (a), (b), (bm) (c), (d) & (e)

15. **Self-Insured Employers Liability Fund (SIELF) Assessments.** Political subdivisions will not be assessed by and are not entitled to payments from the Self-Insured Employers Liability Fund (SIELF). All assessments for the SIELF will be made against private sector self-insured employers on a pro rata basis according to payroll. s. 102.28 (7) (b), (bm) & (d)

16. **Exclusive Remedy.** Employees of fiscal agents covered by worker's compensation insurance under s. 102.07 (20) who provide long term care services to elderly and disabled people will be prohibited from bringing an action in tort against the elderly or disabled persons who received the long term care services. s. 102.29 (12)

17. **Physician Dispensing.** Reimbursement for medications dispensed outside of a licensed pharmacy shall be limited to the pharmacy fee schedule and the existing dispensing fee. s. 102.425 (1) (cm) & (3) (a)

18. **Red Book Successor.** The Department will have authority to locate and utilize a successor to the Drug Topics Red Book if necessary. s. 102.425 (3) (a) 1

19. **No Offset for Part-Time Wages During Retraining.** There will be no reduction in compensation for vocational rehabilitation training based on wages earned by employees working part-time for the first 24 hours of employment during periods of retraining, and employees will be required to report wages to WC insurance carriers and self-insured employers. There is no sunset on this provision. s. 102.43 (5) (c)

20. **Discharge or Suspension for Misconduct or Substantial Fault.** Temporary disability will be denied when an employee is released to light duty work and is suspended or terminated due to misconduct as defined in s. 108.04 (5) or substantial fault as defined in s. 108.04 (5g) (a) connected with the employee's work. s. 102.43 (9) (e)

21. **Supplemental Benefits.** Supplemental benefits for employees with old injuries who are permanently and totally disabled are extended to cover injuries occurring in two (2) additional years (2001 & 2002) with the maximum weekly benefit rate increased from \$582 to \$669 and payable for weeks of disability occurring after the effective date of the amendment. s. 102.44 (1) (ag), (am) & (b)

22. **Minimum PPD Ratings.** The Department will create a medical advisory committee to review the minimum permanent partial disability (PPD) ratings in Chapter DWD 80.32 of the Administrative Code. This committee will review and update the minimum ratings every eight (8) years. s. 102.44 (4m)

23. **Violation of Employer's Alcohol/ Drug Policy.** There shall be no recovery of indemnity or death benefits when an employee violates the employer's drug and/or alcohol policy and where there is a direct causation between violation of the drug and/or alcohol policy and the workplace injury. s. 102.58

24. **UEF Computer Upgrade.** Funding from the WC annual assessment will be provided to update the Uninsured Employers Fund (UEF) mainframe computer system to a current platform during this biennium. Non-statutory

(JOM 3.1.16)