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Worker's Compensation Insurance Letter

INS #	488
Date	November 16, 2011
Program	Hearing Scheduling
Type	Procedure
Replaces	None

To: Claims Handling Offices for Insurance Carriers, Self Insured Employers and Attorneys Representing Parties in WC Disputes
From: John Metcalf, Division Administrator
Subject: Modification to the Certification of Readiness Process

Purpose: To inform claim handling offices and attorneys representing parties in WC disputes that effective December 1, 2011, the Division is modifying the Certification of Readiness process to improve its procedures for scheduling formal hearings.

Background: The Division implemented the Certification of Readiness (COR) process on August 1, 2007. The COR process requires the applicant's attorney to file a complete COR form certifying that the insurance carrier has received notice of the claim, that efforts to resolve the dispute have either been exhausted or are not progressing in a timely manner, that the necessary supportive documents such as medical reports, medical bills, vocational reports and other reports, etc. have been shared with the defense representative with sufficient time to investigate and prepare for hearing, and that the applicant is ready to proceed to formal hearing or settlement conference. To improve the efficiency and timeliness of addressing defense attorneys' objections to the COR, the Division is modifying the COR form and process.

Effective with Certification of Readiness forms filed on or after December 1, 2011, the Division will require the filing of the revised COR form as part of the application for hearing process before it will schedule the dispute for a hearing or settlement conference. Defense attorneys that have an objection to the COR must indicate their specific objection on the bottom of the form, file it with the Division and send a copy to the applicant's attorney, within 15 days of the receipt of the COR by the defense attorney, insurance carrier or self-insured employer. The Division will consider any timely objection and will notify the parties of its decision in granting or denying a delay in scheduling or other appropriate relief.

The Division's effort in modifying the COR process to allow a formal objection procedure is intended to keep cancellations and postponements of scheduled events to a minimum.

Action Requested: This letter is informational and advisory. Insurers and self-insured employers are requested to inform their staff and legal representatives of the changed process. The Division strongly recommends that insurers and self-insured employers participate with their legal representatives and applicants' attorneys in early intervention to avoid unnecessary scheduling of hearings and help bring prompt resolution of disputed claims. The revised COR form can be found on the Division's web site at <http://dwd.wisconsin.gov/dwd/forms/wkc/WKC-15717-E.htm>.

This form can be completed online, printed and mailed to the Division.

Inquiries: For questions, contact Jim O'Malley, Director of Legal Services, Worker's Compensation Division at 608-267-6704.

Enclosure: None.