

AMENDMENTS TO THE WORKER'S COMPENSATION ACT
PLAIN LANGUAGE SUMMARY 2011 WISCONSIN ACT 183
EFFECTIVE APRIL 17, 2012
REVISED AS OF 12/14/12

1. **Permanent Partial Disability.** The maximum weekly benefit rate for permanent partial disability (PPD) is increased to \$312 for injuries occurring on and after the effective date and to \$322 for injuries occurring on and after January 1, 2013. The maximum weekly benefit rate will be set at \$317 for injuries on and after January 1, 2013 if the audit of the certified data bases is not begun within six (6) months after the effective date. s. 102.11 (1)
2. **Final Practitioner's Report.** Insurance carriers and self-insured employers will be required to file a final treating practitioner's report with the Department when an employee sustains an eye injury requiring treatment on three (3) or more occasions outside of the employer's premises. The Department may not require an insurer or self-insured employer to submit to the Department a final report of an employee's treating practitioner when there is a complete denial of the employee's claim for compensation by the insurer or self-insured employer and the employee does not contest the denial. s. 102.13 (2) (c)
3. **Reasonableness of Fees.** The formula amount for resolving reasonableness of fee disputes will be reduced from 1.4 to 1.2 standard deviation above the mean. The formula amount will increase to 1.3 standard deviations above the mean on January 1, 2013 if the Department does not commence an audit of the certified data bases within six (6) months after the effective date of the amendment. s. 102.16 (2) (d)
4. **Statute of Limitations.** This amendment clarifies that payment for treatment or burial expense has no effect on the statute of limitations for claims involving occupational diseases. s. 102.17 (4)
5. **Work Injury Supplemental Benefit Fund.** The Work Injury Supplemental Benefit Fund will be liable for payment of benefits and treatment expense for the specified barred traumatic injuries for claims where the applicable statute of limitations will expire before April 1, 2018. s. 102.17 (4) and 102.66 (1) & (2)

6. **Third Party Settlements.** The Work Injury Supplemental Benefit Fund will be authorized to share in the distribution of proceeds from third party settlements. The drafter also made technical amendments to modernize the language and renumber s. 102.29 (1) dividing this subsection into four (4) paragraphs. s. 102.29 (1)
7. **Interest on Surcharges.** Interest on surcharges will accrue when the surcharges are not paid within 30 days rather than 90 days to synchronize with the Department's financial system. s. 102.35 (1)
8. **Vocational Rehabilitation Training.** 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 a two (2) year sunset for this amendment. s. 102.43 (5)
9. **Supplemental Benefits.** In 2009 Wisconsin Act 206 the Revisor of Statutes incorrectly inserted May 6, 2010 as the effective date for supplemental benefit rate increases. This amendment corrects the error and specifies May 1, 2010 as the effective date. s. 102.44 (1) (am) & (b)
10. **Supplemental Benefit Reimbursement.** Insurance carriers and self-insured employers will have 12 months to claim reimbursement from the Department for supplemental benefit payments to injured employees, s. 102.44 (1) (c)
11. **Disfigurement.** Compensation for disfigurement will not be permitted for an employee who returns to work for the employer at the time of injury or who is offered employment by that employer at the same or higher wage unless the employee suffers an actual wage loss due to the disfigurement. s. 102.56 (1) & (2)
12. **Second Injury Fund.** This amendment clarifies that an employee will be limited to only one (1) claim from the Second Injury Fund. s. 102.59 (1)
13. **Vocational Rehabilitation Training.** Insurance carriers and self-insured employers will be liable for reasonable costs of a retraining program including the cost of tuition, fees, and books in cases where the Division of Vocational Rehabilitation provides services for the rehabilitative training program. s. 102.61 (1), (1g) (b), (1m) (d) & (1r) (c)
14. **Work Injury Supplemental Benefit Fund.** The Department is authorized to retain the Department of Administration to handle claims involving the Work Injury Supplemental Benefit Fund. s. 102.65 (3)

15. **Work Injury Supplemental Benefit Fund.** The Department is authorized to prioritize, reduce or cease payments from the Work Injury Supplemental Benefit Fund if the fund becomes encumbered more than 85% by known claims. s. 102.65 (4)
16. **Certified Data Base Audit.** The Department will create a committee for the purpose of determining the scope of an audit of the certified data bases that are used for resolving reasonableness of fee disputes. The committee will consist of one labor representative, one management representative, one Department representative and one medical provider representative. The audit is to commence within six (6) months after the effect date. If the audit is not commenced within six (6) months after the effective date beginning January 1, 2013 the formula amount for resolving reasonableness of fee disputes will be 1.3 standard deviations above the mean, and the maximum permanent partial disability weekly rate will be set at \$317. ss. 102.11 (1), 102.16 (2) (d) & non-statutory, 2011 Wisconsin Act 183, Section 30 (2)
17. **Committee for Permanent Total Disability Funding Study.** The Department will create a committee to study the means of funding PTD increases in the future. The committee will include representatives from employers, employees, worker's compensation insurance carriers and the Department. Non-statutory, 2011 Wisconsin Act 183, Section (3)