

# **STATEMENT OF SCOPE**

## **Department of Workforce Development**

**Rule No.**

Ch. DWD 81

**Relating to:**

Worker's compensation treatment guidelines

**Rule Type:**

Permanent

**Finding/nature of emergency (Emergency Rule only)**

N/A

**Detailed description of the object of the proposed rule**

The proposed rule will update ch. DWD 81 relating to worker's compensation treatment guidelines. The treatment guidelines do not affect any determination of liability under ch. 102, Stats., and are not intended to expand or restrict a health care provider's scope of practice under any other statute. Before any updates can be made to ch. DWD 81, the Department and Worker's Compensation Advisory Council are required to consult the Health Care Provider Advisory Committee.

**Description of the existing policies relevant to the rule, new policies to be included in the rule, and an analysis of the policy alternatives**

2005 Wis. Act 172 directed the Department to promulgate rules and establish guidelines to be used for resolving necessity of treatment disputes of employees with compensable worker's compensation injuries. Chapter DWD 81 establishes the guidelines. The treatment guidelines contained in ch. DWD 81 are factors for an impartial health care services review organization and a member from an independent panel of experts established by the Department to consider in rendering opinions to resolve necessity of treatment disputes of employees with compensable worker's compensation injuries.

For about the past-nine years, the Department met quarterly with the Health Care Provider Advisory Committee to consider clarifying the description of the guidelines, updating the guidelines to include new modalities of treatment procedures and treatment options, and expanding the guidelines to cover new types and classes of injuries.

The policy alternative is to do nothing. If the Department does not move forward with the proposed rule, a number of the treatment guidelines will be out-dated. In addition, the guidelines

may not accurately reflect modalities of treatment procedures currently being used to treat injured employees and may not include new types and classes of work-related injuries.

**Detailed explanation of statutory authority for the rule (including the statutory citation and the language)**

*Section 102.15 (1) (a), Stats.*

"The department may promulgate rules as necessary to carry out its duties and functions under this chapter."

*Section 102.16 (2m) (g), Stats.*

"The department shall promulgate rules establishing procedures and requirements for the necessity of treatment dispute resolution process under this subsection, including rules setting the fees under par. (f) and the rules establishing standards for determining the necessity of treatment provided to an injured employee. ...."

**Estimate the amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule**

The estimated amount of time that state employees will spend developing the rule is 300 hours.

**List with description of all entities that may be affected by the proposed rule**

The proposed rule will affect employees who sustain work-related injuries. The proposed rule may also affect all of the following:

- Attorneys who represent injured employees, worker's compensation insurance carriers, and self-insured employers
- Chiropractic Society of Wisconsin
- Health Care Provider Advisory Committee
- Self-Insurers Council
- Wisconsin Manufacturers and Commerce
- Wisconsin Chiropractic Association
- Wisconsin Hospital Association
- Wisconsin Insurance Alliance
- Wisconsin Medical Society
- Wisconsin Physical Therapy Association
- Worker's Compensation Advisory Council
- Worker's compensation insurance carriers and self-insured employers who are liable to pay claims.

**Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule**

There are no existing or proposed federal regulations related to this proposed rule.

**Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small business)**

The proposed rule will have no significant impact locally or statewide. The proposed rule will have no significant economic impact on small business.

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