

## EXISTING ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Repeal     Modification

2. Administrative Rule Chapter, Title and Number

DWD 80, Wis. Adm. Code - Worker's Compensation

3. Date Rule promulgated and/or revised; Date of most recent Evaluation

The rule was first promulgated to codify procedures of the Worker's Compensation program in January 1956. The rule has been reviewed and modified on several occasions since that time, most recently in November 2007.

4. Plain Language Analysis of the Rule, its Impact on the Policy Problem that Justified its Creation and Changes in Technology, Economic Conditions or Other Factors Since Promulgation that alter the need for or effectiveness of the Rule.

The rule modifies the procedures for reports on salary continuation payments, eye injuries, open claims with more than 26 weeks of disability, and payments made for permanent total disability and supplemental benefits.

In reaction to the topics of vocational rehabilitation and wrap-up insurance, the rule repeals obsolete terms and forms and provides current terminology for vocational specialist and retraining plans.

The rule repeals an obsolete provision relating to reports on the Uninsured Employers Fund and updates the terminology of provisions relating to delivering notices of worker's compensation insurance policy cancellations to the Wisconsin Compensation Rating Bureau.

The rule revises the procedures for necessity of treatment disputes to include the requirement that supporting medical documentation be included when an insurer or self-insured employer gives notice that it disputes the necessity of particular treatment.

5. Describe the Rule's Enforcement Provisions and Mechanisms

The provisions affected are enforced by DWD in the course of dealing with particular claims or issues. Noncompliance is dealt with by an order for compliance or a denial of approval until compliance takes place.

6. Repealing or Modifying the Rule Will Impact the Following (Check All That Apply)

State's Economy  
 Local Government Units

Specific Businesses/Sectors  
 Public Utility Rate Payers  
 Small Businesses

7. Summary of the Impacts, including Compliance Costs, identifying any Unnecessary Burdens the Rule places on the ability of Small Business to conduct their Affairs.

The rule does not place any new significant burdens on small business, worker's compensation insurers or self-insured employers.

8. List of Small Businesses, Organizations and Members of the Public that commented on the Rule and its Enforcement and a Summary of their Comments.

No comments were received during the public comment period on the economic impact analysis.

The department held a public hearing on April 28, 2015 in Madison and accepted written comments until May 1, 2015. No one attended the hearing and no written comments were received.

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9. Did the Agency consider any of the following Rule Modifications to reduce the Impact of the Rule on Small Businesses in lieu of repeal?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe: Elimination of obsolete forms and terminology.

10. Fund Sources Affected

- GPR    FED    PRO    PRS    SEG    SEG-S

11. Chapter 20, Stats. Appropriations Affected

No fiscal effect.

12. Fiscal Effect of Repealing or Modifying the Rule

- No Fiscal Effect       Increase Existing Revenues       Increase Costs  
 Indeterminate       Decrease Existing Revenues       Could Absorb Within Agency's Budget  
 Decrease Cost

13. Summary of Costs and Benefits of Repealing or Modifying the Rule

No costs to the state, minimal costs to insurers and self-insured employers. Benefits for the state and for insurers and self-insured employers from the elimination of obsolete forms and terminology.

14. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No

15. Long Range Implications of Repealing or Modifying the Rule

None.

16. Compare With Approaches Being Used by Federal Government

Not applicable - there are no federal laws regulating worker's compensation insurance.

17. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Iowa has generally similar rule provisions on required reports, similar provisions (statutes and a rule) on vocational rehabilitation, no rules on wrap-up insurance, no uninsured employer fund, statutory provisions on notices of cancellation, and no simplified process for necessity of treatment disputes.

Illinois has similar but somewhat more extensive (statutory) report requirements, more detailed (statutory) requirements for reports on vocational rehabilitation, no rules on wrap-up insurance, an uninsured employers fund that is run by statute, a more detailed rule on notices of cancellation, and no simplified process for necessity of treatment disputes.

Michigan has generally similar rule provisions on required reports, similar provisions (via statute) on vocational rehabilitation, somewhat similar rules on wrap-up insurance (Wisconsin's rules cover more projects), no uninsured employers fund, a similar rule on notices of cancellation, and no simplified process for necessity of treatment disputes.

Minnesota has more extensive rules for required reports, rules on vocational rehabilitation with more detailed requirements, no rules on wrap-up insurance, a statute establishing an uninsured employer fund, requirements of notices of cancellation set by statute, and no simplified process for necessity of treatment disputes.

18. Contact Name

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