

# Workers Compensation Claim State Environmental Guide - Wisconsin

Wisconsin – [dwd.wisconsin.gov/wc](http://dwd.wisconsin.gov/wc)

## Indemnity issues

<p>Temporary Total Benefits</p>	<table border="1" data-bbox="584 535 852 1155"> <thead> <tr> <th colspan="2">Maximum Rates</th> </tr> </thead> <tbody> <tr><td>1/1/2014</td><td>\$892.00</td></tr> <tr><td>1/1/2015</td><td>\$911.00</td></tr> <tr><td>1/1/2016</td><td>\$936.00</td></tr> <tr><td>3/2/2016</td><td>\$936.00</td></tr> <tr><td>1/1/2017</td><td>\$961.00</td></tr> <tr><td>1/1/2018</td><td>\$994.00</td></tr> <tr><td>1/1/2019</td><td>\$1,016.00</td></tr> <tr><td>1/1/2020</td><td>\$1,051.00</td></tr> <tr><td>1/1/2021</td><td>\$1,094.00</td></tr> <tr><td>1/1/2022</td><td>\$1,159.00</td></tr> <tr><td>4/10/2022</td><td>\$1,159.00</td></tr> <tr><td>1/1/2023</td><td>\$1,247.00</td></tr> <tr><td>1/1/2024</td><td>\$1,296.00</td></tr> </tbody> </table> <ul style="list-style-type: none"> <li>The TTD rate is 2/3 of AWW. AWW is based on the hourly rate times the number of hours worked per week, or the last 52 weeks wage, whichever is higher. Six-day work week used. First payment due within 14 days of first day of lost time. No cap on number of weeks that can be paid. <u>Minimum TTD payment is \$30 per Wis. Stat. 102.11</u></li> </ul>	Maximum Rates		1/1/2014	\$892.00	1/1/2015	\$911.00	1/1/2016	\$936.00	3/2/2016	\$936.00	1/1/2017	\$961.00	1/1/2018	\$994.00	1/1/2019	\$1,016.00	1/1/2020	\$1,051.00	1/1/2021	\$1,094.00	1/1/2022	\$1,159.00	4/10/2022	\$1,159.00	1/1/2023	\$1,247.00	1/1/2024	\$1,296.00
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<p>Temporary Partial Benefits</p>	<ul style="list-style-type: none"> <li>Rate is based on the ratio of actual weekly wage loss to average weekly wage times the TTD rate. <u>Maximum TPD amount is capped at the TTD rates above.</u></li> </ul> <p>3 day waiting period, 7day retro period, unlimited benefits. We have a TPD calculator we utilize to calculate benefits owed.</p>																												

**Indemnity issues**

**Permanent Partial Benefits**

<b>Maximum Rates</b>	
1/1/2014	\$322.00
1/1/2015	\$322.00
1/1/2016	\$322.00
3/2/2016	\$342.00
1/1/2017	\$362.00
1/1/2018	\$362.00
1/1/2019	\$362.00
1/1/2020	\$362.00
1/1/2021	\$362.00
1/1/2022	\$362.00
4/10/2022	\$415.00
1/1/2023	\$430.00
1/1/2024	\$430.00

There is no minimum

Limited benefits – 1000 weeks for non-scheduled injuries, all other body parts scheduled. State specific ratings by physician, not based on AMA guidelines.

**Permanent Total Benefits**

<b>Minimum</b>		<b>Maximum</b>	
1/1/2014	\$30.00	1/1/2014	\$892.00
1/1/2015	\$30.00	1/1/2015	\$911.00
1/1/2016	\$30.00	1/1/2016	\$936.00
3/2/2016	\$30.00	3/2/2016	\$936.00
1/1/2017	\$30.00	1/1/2017	\$961.00
1/1/2018	\$30.00	1/1/2018	\$994.00
1/1/2019	\$30.00	1/1/2019	\$1,016.00
1/1/2020	\$30.00	1/1/2020	\$1,051.00
1/1/2021	\$30.00	1/1/2021	\$1,094.00
1/1/2022	\$30.00	1/1/2022	\$1,159.00
4/10/2022	\$30.00	4/10/2022	\$1,159.00
1/1/2023	\$30.00	1/1/2023	\$1,247.00
1/1/2024	\$30.00	1/1/2024	\$1,296.00

Unlimited benefits.

**Indemnity issues**

Fatality Benefits	<b>Maximum Death Benefit</b>	
	1/1/2014	\$267,600.00
	1/1/2015	\$273,700.00
	1/1/2016	\$280,800.00
	3/2/2016	\$280,800.00
	1/1/2017	\$288,300.00
	1/1/2018	\$298,200.00
	1/1/2019	\$304,800.00
	1/1/2020	\$315,300.00
	1/1/2021	\$328,200.00
	1/1/2022	\$347,700.00
	4/10/2022	\$347,700.00
	1/1/2023	\$374,100.00
	1/1/2024	\$388,800.00
Up to 4 years average annual wage paid weekly at TTD rate. <b><u>ANNUAL WAGE IS 200 times the AWW</u></b> Maximum burial expense of \$10,000. Payment into the State Fund of \$20,000.00. Potential payment up to \$6500 to surviving, non-estranged parents of deceased.		
Vocational Rehabilitation	<p>Must be certified by DVR for appropriate 2 or 4 year program (80 weeks for 2 year program; 160 weeks for 4 year program. TTD, meals, tuition, fees, fees, books and travel expenses are paid during training. The maximum annual limit for services provided by private vocational rehabilitation specialists is as outlined below:</p> <p>\$1,616.00 beginning 1/1/2016; \$1,631.00 beginning 1/1/2017; \$1,664.00 beginning 1/1/2018; \$1,704.00 beginning 1/1/2019; \$1736.00 beginning 1/1/2020) ; \$1,761.00 beginning 1/1/2021; \$1,820.00 beginning 1/1/2022 and \$1,964.00 beginning 1/1/2023.</p> <p>For dates of loss on or after 3/2/2016 retraining can now be part of prospective order; no offset for part-time work unless working more than 24 hours per week.</p>	
Settlement Allowed	Yes. Can settle full and final if dispute is causation or extent greater than 100 weeks or factual dispute. <b>**We are seeing the ALJs deviate from this now, so the factual dispute of 100 weeks may not always afford us the opportunity to settle full and final.</b>	
Cap on benefits, exceptions	Yes. Based upon statutory allowance for PPD.	

**Medical issues**

Initial Choice of Provider	Employee choice. One IME allowed per issue/body part involved. Follow up IMEs when change in condition/issues to address (with same physician) or every 6 months has been interpreted as being reasonable. Unlimited medical
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**Indemnity issues**

	record reviews as they are not required to be shared with the applicant.
Change of Provider	One provider change allowed. Referrals not considered a change.
Medical Fee Schedule	No fee schedule-usual and customary rates utilized
Managed Care	None. For more information, please refer to the <a href="#">WC Managed Care Quick Reference Chart by State Guide</a> .
Utilization Review	None. Prospective only based on physician review.
Treatment Guidelines	In place, however cannot be relied upon without supporting medical opinion.
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	\$.51 per mile.
Network Information	Coventry Integrated Network
Ability to Terminate Medical Treatment	No limit on medical treatment reasonably and necessarily required to cure or relieve the injury. IME or treating doctor puts applicant at end of healing needed to terminate.
Settlement Allowed	Yes, but only if causation or other dispute (e.g. factual dispute) = 100 weeks.
Cap on benefits, exceptions	No cap. Exception is usual and customary reductions using Wisconsin certified database.

**Other Issues**

Compensability Decision Timeframe	Compensability decision made within 14 days unless additional investigation is needed per DWD 80.02
WC Hearing Docket Speed	Hearings being set within 90 days from certificate of readiness. Pre-hearings will be held first for unrepresented employees.
Staff Counsel	Chapin & Associates 13935 Bishop's Dr. - Suite 250 Brookfield, WI 53005 Phone: 262-825-9290
Hearings require attorney or claim handler participation	Attorney or licensed hearing representative participation.
Occupational Diseases	Handled same as occupational injury.
Second Injury Fund availability	If the employee had at least 200 weeks of disability (combined disability from any part of body whether health condition or work related) and has a minimum of 200 weeks of disability from a new WC injury, the employee would be entitled to the amount of the lesser of the two. If the combination of the preexisting and the WC claim results in PTD the WC carrier is responsible for all benefits.
Other Offset Opportunities	Social Security payments (disability benefits).
EDI	Claims EDI Release 1: FROI only (7/1/1995)
In-State Adjusting Required	No
License or Certification Required	No