

Council on Worker's Compensation  
Meeting Minutes – Hybrid Meeting (In-person and WebEx)  
201 E. Washington Avenue  
GEF-1 Building  
Madison, Wisconsin  
September 30, 2025

The Department of Workforce Development (DWD) provided public notice of the meeting under Wis. Stat. § 19.84.

**Members present in-person and via video:** Ms. Bloomingdale, Mr. Buchen, Mr. Dipko (Chairperson), Ms. Frank, Mr. Fugina, Mr. Kent, Ms. Kosnicki, Mr. Large, Ms. Meidl, Mr. Nettum, Mr. Reese, Mr. Schwanda, Mr. Tindall, and Ms. Ver Velde.

**Liaisons Present:** Mr. Grapentine and Mr. Murray.

**Staff Present:** Mr. Aiello, Mr. Brockman, Ms. Brown, Ms. Driese, Mr. Guler, Ms. Lake, Ms. McCormick, Ms. Olson, Mr. O'Malley, Mr. Przybylo, Ms. Przybylo, Mr. Sensenbrenner, Mr. Spencer, and Ms. Weinberger.

1. **Call to Order/Introductions:** Mr. Dipko convened the Worker's Compensation Advisory Council (WCAC) meeting at approximately 1:37 p.m. in accordance with Wisconsin's open meetings law and called roll of the WCAC members.
2. **Approval of the Minutes:** A motion was made by Ms. Bloomingdale to approve the minutes of the July 17, 2025, and August 12, 2025, meetings. Ms. Kosnicki seconded the motion. The minutes were unanimously approved without correction.
3. **Correspondence:** Mr. O'Malley advised that an e-mail message from Senator Brad Pfaff's office was received pertaining to an article featuring one of the Senator's constituents regarding worker's compensation issues that could be considered in the creation of the next Agreed Upon Bill. The article was written by Tom Kertscher of the Wisconsin Watch.

Ms. Bloomingdale stated that she had been contacted by Mr. Kertscher. She indicated that the issues raised in the article were being addressed and solved by the current negotiated bill. Mr. O'Malley advised that articles had appeared in the Milwaukee Journal Sentinel (without photos), the Isthmus, and Wisconsin Watch.

4. **Administrative Rules Update:** Mr. O'Malley reported that a Statement of Scope had been drafted for the permanent and emergency administrative rules to be included in ch. DWD 80 of the Wisconsin Administrative Code for the reunification between the Department of Workforce Development and the Division of Hearings & Appeals (DHA) – Office of Worker's Compensation Hearings. The Statement of Scope had not yet been approved by the Governor's office, but a preliminary hearing was to be held in the next few weeks. Mr. O'Malley explained the plan was to recodify the ch. HA 4 rules into ch. DWD 80 of the Wisconsin Administrative Code in the same form that the rules had been before the bifurcation. DHA had promulgated its own administrative rules in ch. HA 4. Some of the current rules may be inconsistent or duplicative with one another at the time of the reunification, but the plan is to eliminate inconsistent and duplicative rules. He further explained that only limited terminology can be changed by the Legislative Reference Bureau (LRB) so not all of the language can be altered or updated at this time. Once the Statement of Scope is approved, DWD will notify the WCAC's members. Ms.

Bloomingtondale asked if council action was needed and requested any required approval be obtained through e-mail.

5. **Agreed Upon Bill Draft:** Ms. Ver Velde noted three technical changes should be made. She sent these suggestions to DWD and Ms. Bloomingtondale. Mr. Tindall requested to talk through the changes. Ms. Bloomingtondale noted that the requests were made by Management. She requested an explanation on the second proposed change. She noted that Labor may have one suggested change. Ms. Ver Velde suggested that a short caucus might be in order.

Mr. Tindall explained that the agreement was to eliminate PPD stacking of statutory minimum ratings for body parts like the meniscus. The intent was to allow one single rating at the minimum with no mandatory rating on any additional procedures. Medical providers will be allowed to offer ratings on additional procedures.

**Motion:** Ms. Bloomingtondale made a motion for the members to go into a closed session under s. 19.85 (1) (eg), Wis. Stats., to deliberate items on the agenda. Ms. Kosnicki seconded the motion. By unanimous vote, the motion passed. Mr. Dipko announced the closed session, statutory authority, and the nature of business to be considered. The open session of the meeting was adjourned at approximately 1:55 p.m. and was reconvened at 3:33 p.m.

Ms. Bloomingtondale stated that Labor had no changes to the draft of the bill. Ms. Ver Velde requested changes for the amendments to s. 102.18 (1) (a), Wis. Stats., s. 102.17 (1) (a) 1., Wis. Stats., and s. 102.44 (4o), Wis. Stats.

For the amendment to s. 102.18 (1) (a), Wis. Stats., Ms. Ver Velde recommended the following change in the draft on page 11, line 22, "When the department issues an order under sub. (2) approving a compromise agreement, the department shall include in the order a dismissal of the pending application for hearing in the claim subject to compromise and shall close the case."

Ms. Ver Velde recommended for the amendment to s. 102.17 (1) (a) 1., Wis. Stats., on page 9-10 of the draft to either (1) have the final disposition language to be defined as including a dismissal without prejudice or (2) for additional language to allow the statute of limitations to run after a dismissal without prejudice. Mr. O'Malley stated that of the two options for the change pertaining to the statute of limitations, Option 2 was the most advisable. Ms. Ver Velde and Ms. Bloomingtondale agreed to Mr. O'Malley's suggestion.

The recommendation by Ms. Ver Velde was to change the permanent partial disability stacking language in the proposed s. 102.44 (4o), Wis. Stats., to the following:

102.44 (4o) For purposes of calculating permanent partial disability under s. 102.52 (1) to (14) pursuant to the rules promulgated under sub. (4m) (a), when an employee undergoes the same surgical procedure a 2<sup>nd</sup> or subsequent time on the same limb for which permanent partial disability is due pursuant to those rules, the employee's permanent disability rating with respect to those procedures shall be determined by health care providers as provided in s. 102.17 (1) (d) without limitation by the rules promulgated under sub. (4m) (a), except that the total permanent partial disability rating for the multiple procedure shall in no case be lower than the rating for the first procedure under the rules promulgated under sub. (4m) (a).

After further consideration no change was recommended for the language in the amendment to s. 102.44 (4o), Wis. Stats., pertaining to stacking permanent partial disability.

A typographical error was noted for the amendment to s. 102.81 (2), Wis. Stats., in line 16 on page 18 of the bill. It should read (sm), not (ra).

**Motion:** A motion was made by Ms. Bloomingdale to approve the draft of the Agreed Upon Bill with the suggested changes. Ms. Ver Velde and Ms. Kosnicki seconded the motion. The adoption of the bill was unanimously approved.

Mr. O'Malley agreed to make the changes and prepare the bill to be drafted for introduction. A companion bill would also be submitted to each house of the Legislature. The draft should be ready in a day or two and the members will be notified when it is ready. The bill may be picked up at the Legislative Reference Bureau (LRB) and delivered to the Legislature. Ms. Ver Velde and Mr. Buchen agreed to deliver the bill. The goal was to have the bill introduced in October 2025.

6. **Other Business:** No other business was discussed.
7. **Motion to Caucus:** Ms. Bloomingdale moved to adjourn the meeting. Ms. Kosnicki seconded the motion. By unanimous vote, the motion passed. The meeting was adjourned at approximately 3:39 p.m.