

DRAFT
Council on Worker's Compensation
Meeting Minutes – Hybrid Meeting (In-person and WebEx)
201 E. Washington Avenue
GEF-1 Building
Madison, Wisconsin
November 19, 2024

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, Ms. Frank, Mr. Kent, Ms. Kosnicki, Mr. Large, Ms. Meidl, Mr. Nettum, Mr. Dipko (Chairperson), Mr. Reese, Mr. Schwanda, Mr. Tindall, and Ms. Ver Velde.

Excused: Mr. Fugina

Staff Present: Mr. Aiello, Mr. Brockman, Ms. Brown, Ms. Bruijn-Hansen, Ms. Lake, Ms. McCormick, Mr. O'Malley, Ms. Przybylo, and Mr. Spencer.

1. **Call to Order/Introductions:** Mr. Dipko convened the Worker's Compensation Advisory Council (WCAC) meeting at approximately 10:10 a.m. in accordance with Wisconsin's open meetings law and called roll of the WCAC members.
2. **Welcome:** Department of Workforce Development (DWD) Secretary Amy Pechacek offered a statement of welcome and congratulated the members of the WCAC on the successful completion of the Worker's Compensation Agreed Upon Bill process in early 2024. In welcoming the newest members, she acknowledged the importance of the Council since 1911, expressed her gratitude for the service of the WCAC to the people of Wisconsin, and advised that DWD is ready to assist the Council. Secretary Pechacek discussed a number of metrics related to the labor market in Wisconsin including record high employment, apprenticeship program participation, and growth of hourly wages for people with disabilities. She also mentioned 2024 was the 9th straight year of decreased worker's compensation rates amounting to about 10.5% or \$206,000,000 in policy savings for the year.
3. **Introduction of New Members:** Ms. Nichole Kosnicki is a new member representing Management and is with QPS, an employment and staffing agency. Ms. Wendy Meidl is a new member representing worker's compensation insurance carriers and is with Acuity Insurance. Mr. William Reese is a new member representing Labor and is with the International Association of Machinists.
4. **Future Meeting Dates:** Mr. Dipko suggested that the next meeting date be February 11, 2025. Ms. Bloomingdale and Ms. Ver Velde agreed to this meeting date on behalf of their respective members. Ms. Ver Velde stated that some members of the Legislature mentioned the last Agreed Upon Bill was submitted very late in the process and the WCAC was fortunate to get the bill passed. Ms. Bloomingdale and Ms. Ver Velde agreed that it would be best to get a bill to the Legislature sooner in the current cycle.

- 5. Approval of the Minutes:** A motion was made by Ms. Bloomingdale to approve the minutes of the January 8, 2024 meeting. Ms. Ver Velde seconded the motion. The minutes were unanimously approved without correction.

A motion was made by Ms. Bloomingdale to approve the minutes of the November 7, 2021 meeting. Ms. Ver Velde seconded the motion. The minutes were unanimously approved without correction.

- 6. Public Hearing Update:** Mr. Dipko announced that a public hearing will be held on Tuesday, December 10, 2024 from 3:00 p.m. to 6:00 p.m. The public hearing will be hybrid and allow for in-person and WebEx participation.

- 7. Correspondence:** Mr. O'Malley reported that two (2) items of correspondence were received since the last WCAC meeting.

A letter dated June 24, 2024 to Governor Evers from Brad Harrell, Bob Hurley, John Eiden, and Tim Moore was forwarded to the WCAC. The authors of the letter are all employees who are permanently and totally disabled due to work-related injuries. In the letter they requested that supplemental benefits be increased on a regular periodic basis and that more permanently and totally disabled workers be made eligible for supplemental benefits. A request was made to appoint an economist to study the value of the savings resulting from the decreased premiums. The Department sent a letter to Mr. Harrell and other authors acknowledging receipt of the letter on behalf of Governor Evers.

A letter dated November 15, 2024 was received from Dr. Veronica Heide and Dr. Meredy Hase who are both Doctors of Audiology. The letter was submitted on behalf of the Wisconsin Academy of Audiology (WAA) and requested a change to s. 102.17 (1) (d) 1., Wis. Stats., to allow Doctors of Audiology to sign the WKC-16-B forms for hearing loss claims based on their education, training and professional experience. A request was made to add the WAA to the agenda for the public hearing on December 10, 2024.

- 8. WC Division Primer:** Mr. Dipko presented a PowerPoint overview of the Worker's Compensation Division (WCD) and its role as a regulatory agency. He provided a brief summary of the major responsibilities and duties of its three (3) bureaus, which include the Bureau of Claims Management, Bureau of Insurance Programs and Bureau of Legal Services.
- 9. Rulemaking Status Update:** Mr. O'Malley stated the WCD is currently working on three (3) projects to amend administrative rules.

Statement of Scope 113-23 is for minor and technical changes to ch. DWD 80 of the Wisconsin Administrative Code. These amendments apply to the self-insurance approval process for local governmental units with independent taxing authority, assessments and coverage of the Self-Insured Employer Liability Fund, and reasonableness of fee disputes. The purpose of the proposed rule amendments is to conform the language in the administrative rules to current statutes and for correct cross references. There is nothing controversial in the proposed rule amendments. A hearing draft for these proposed amendments is ready to be distributed to the WCAC.

Mr. Buchen inquired about the amount of money currently in the Self-Insured Employer Liability Fund. Mr. O'Malley stated there is about \$4,000,000 in the fund. This money came

from the bond posted by Yellow Corporation and is necessary to cover its worker's compensation liabilities after filing for bankruptcy.

Statement of Scope 114-23 pertains to updating minimum ratings for permanent partial disability (PPD) in s. DWD 80.32 of the Wisconsin Administrative Code. Section 102.44 (4m), Wis. Stats., provides the minimum PPD ratings are to be reviewed and revised every eight (8) years. The Health Care Provider Advisory Committee (HCPAC) made recommendations to update the minimum PPD ratings and work is continuing on these proposed administrative rule amendments.

Statement of Scope 115-23 is for proposed rule amendments to ch. DWD 81 of the Wisconsin Administrative Code to update the worker's compensation treatment guidelines for resolving disputes over the necessity of treatment provided to injured employees. The Health Care Provider Advisory Committee (HCPAC) is still working on updating the treatment guidelines.

The HCPAC does not currently have enough members for a quorum and several more members are needed to conduct business at meetings. Mr. Dipko stated that people who have medical specialties are being sought to become new members. Mr. O'Malley mentioned there is a particular need for physicians who treat injured employees to serve as members. Mr. Buchen asked how the WCD recruits members. He suggested approaching professional organizations, using webinars, advertisements in trade publications or by word of mouth. Mr. Buchen also inquired about the time commitment to which Mr. O'Malley replied that the committee meets quarterly for about three (3) hours per session. Mr. Dipko estimated that outside research may require between five to seven hours per month.

10. Other Business of the Council: None.

11. Adjournment: A motion was made by Ms. Bloomingdale to go into closed session under s. 19.85(1) (eg), Wis. Stats., to deliberate items on the agenda and to adjourn the meeting from closed session. The motion was seconded by Ms. Ver Velde. The motion passed unanimously. 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 11:04 a.m. The WCAC's next meeting is scheduled for February 11, 2025.

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