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December 9, 2019

Worker's Compensation Advisory Council
Steve Peters, Chair
201 E. Washington Avenue
Madison, WI 53702

Dear Administrator Peters:

Prompt and efficient resolution of worker's compensation claims are essential to Wisconsin's worker's compensation system. Our letter, dated March 7, 2019, expressed support for a modest provision – consistent with current law - that will assist in more timely resolutions of these claims. This proposal, included as Section 29 in LRB-4905/P2, creates an explicit process for an insurer's representatives or agents, to obtain access to billing statements.

State law already requires health care providers to, "within a reasonable time after written request by the employee, employer, **worker's compensation insurer**, department, or division, or **its representative**, provide that person with any information or written material reasonably related to any injury for which the employee claims compensation." Wis. Stat. § 102.13(2)(a).

Unfortunately, despite the clear statutory grant of access in current law, attorneys representing insurers have had difficulty obtaining billing statements from health care providers, creating unnecessary and burdensome administrative delays. For that reason, we requested a specific provision be added to the bill creating a dedicated process for accessing billing statements.

We thank WCJC for including this provision, including the timeline for compliance and penalty for failing to act. We believe ensuring timely, direct access to billing statements for an insurer's representative will benefit workers, employers, insurers, and medical providers.

The health care provider liaisons' letter dated December 6, 2019, mischaracterizes current law regarding an insurer representative's access to records, suggesting such a grant of access does not already exist. In fact, state law and the HIPAA Privacy Rule already recognize the importance of granting access for insurers for worker's compensation purposes.

Additionally, the health care provider liaisons' letter identifies other concerns related to this proposal that we believe are unfounded.

- Identification of the Insurer Representative. Health care providers are already required to provide access to a worker's compensation insurer's representative and should have policies in place to verify that relationship as necessary. It is our expectation that communications from workers compensation insurers' representatives or agents will reference this statutory provision.
- Fees for record requests. As currently drafted, the bill would prohibit a health care provider from charging a fee for providing the billing statement. WIA continues to believe a fee is inappropriate for providing copies of billing statements. Requiring a fee will result in delays in access, and is unnecessary when dealing with a narrow class of already existing records. However, if the WCJC wishes to impose a fee, it should be subject to the same limitations that exist in Wis. Stat. § 102.13(2)(b).
- Paper based forms. Nothing in the draft language included in Section 29 of LRB-4905/P2 requires paper forms or prohibits the use of electronic means of transmission. By focusing on existing forms, health care providers are relieved from having to create new documents or forms.
- Reimbursement for health care services. This proposal is intended to alleviate the existing administrative burden created by health care providers who fail to provide access to records, including billing statements, as commanded by Wis. Stat. s. 102.13(2)(a). The failure to submit billing statements in a timely fashion harms all stakeholders.

We are dismayed that health care providers would object to reasonable efforts to provide billing statements to insurers. Despite the existing grant of access to insurer representatives, some health care providers continue to deny access to insurers making this proposal necessary.

We would again like to thank the WCJC for including this provision intended to decrease the administrative burden within Wisconsin worker's compensation law.

Respectfully,



Andrew J. Franken
President

cc: Stephanie Bloomingdale, Wisconsin State AFL-CIO
Chris Reader, WMC