

Council on Worker's Compensation
Meeting Minutes – Teleconference
201 E. Washington Avenue, Madison, WI
GEF-1 Building
Madison, Wisconsin
June 8, 2021

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

Members present by telephone or video: Ms. Bloomingdale, Mr. Buchen, Ms. Frank, Mr. Fugina, Ms. Johnson, Mr. Kent, Mr. Large, Mr. Nettum, Mr. Peters (Chairperson), Mr. Reader, Mr. Schwanda, Mr. Streff, Ms. Thomas, and Mr. Tindall

Excused: None

Staff Present: Mr. Aiello, Mr. Brockman, Ms. Brown, Mr. Dipko, Ms. Lake, Ms. McCormick, Mr. Moreth, Mr. O'Malley, Ms. Przybylo, and Ms. Weinberger

- 1. Call to Order/Introductions:** Mr. Peters convened the Worker's Compensation Advisory Council (WCAC) meeting at approximately 10:00 a.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 April 26, 2021 meeting. Mr. Reader seconded the motion. The minutes were unanimously approved without correction.

A motion was made by Mr. Reader to approve the minutes of the June 1, 2021 meeting. Ms. Bloomindale seconded the motion. The minutes were unanimously without correction.

- 3. Correspondence:** Mr. O'Malley reviewed the correspondence received since the last meeting.

A letter dated May 25, 2021 was received from Ms. Julie Gilbert, CEO Fairwater Revenue Recovery, LLC. In the letter Ms. Gilbert mentions data from the Worker's Compensation Research Institute's CompScope Benchmarks studies for Wisconsin, specifically the 21st Edition. She also states in the letter that Wisconsin's worker's compensation system is healthy and that her company is opposed to a medical fee schedule.

Mr. O'Malley also discussed the status of the promulgation for three sets of administrative rules related to the Worker's Compensation Division. The statements of scope for each set of rules had previously been approved, but the statements of scope expired while the Worker's Compensation Division was continuing to work on them. New statements of scope have been submitted to the DWD Secretary and the Governor's Office for approval. A preliminary public hearing and comment period have been scheduled via WebEx for Thursday, June 10, 2021 at 2:00 p.m.

The first set of rules is identified as SS 048-21 and pertains to the minimum permanent partial disability (PPD) ratings in s. DWD 80.32 of the Wisconsin Administrative Code. Work on these rules should be completed by the end of the year.

The second set of rules is identified as SS 049-21 and pertains to minor and technical changes to Chapter DWD 80 of the Wisconsin Administrative Code. These rules primarily relate to self-insurance and are being amended to conform to the current statutory language in s. 102.28 (7) Wis. Stats. These rules should be completed by the end of the year.

The final set of rules is identified as SS 050-21 and pertains to the worker's compensation treatment guidelines in Chapter DWD 81 of the Wisconsin Administrative Code. Work on these rules should be completed next year.

4. WCRI Utilization, Outcomes & Return to Work Study: Ms. Kathleen Fisher, Director of External Relations and Ms. Evelina Radeva, Policy Analyst, from the Workers Compensation Research Institute (WCRI) conducted a presentation on Medical Utilization and Worker Outcomes in Wisconsin.

Ms. Fisher gave a PowerPoint presentation about the WCRI. The WCRI is an independent not-for-profit research organization with a diverse membership that conducts peer-reviewed studies and provides resources for public officials and stakeholders. The WCRI provides a broad scope of studies that includes Wisconsin on topics including medical fee schedules, prices, medical cost containment, utilization, worker outcomes, indemnity benefits, litigation, prescription drugs and opioids, and other topical studies. The presentation will cover how Wisconsin compares to other study states on utilization of medical treatments, how Wisconsin medical utilization changed from 2013-2018, and how Wisconsin compared to other states on worker outcomes and return to work.

Ms. Radeva continued with the PowerPoint presentation about medical utilization in Wisconsin. The average medical payment per claim is composed of prices and utilization. Hospitals accounted for 49% of the Wisconsin medical payments which is a larger share than other states. Prices paid were a key reason for higher medical payments per claim in Wisconsin. Non-hospital utilization per claim in Wisconsin was lower than most states, especially at 36 months. Wisconsin has the highest percentage of claims with hospital services compared with other study states. Wisconsin has a higher-than-typical percentage of claims for hospital outpatient services. In Wisconsin there is a lower percentage claims with physical medicine by non-hospital providers, but a higher percentage by hospitals.

The long-term growth in medical payments per claim in Wisconsin has been driven by higher prices. From 2013-2018 there was little change in per claim utilization of non-hospital and hospital outpatient services in Wisconsin. There has been a long-term increase in percentage of claims with hospital outpatient services in Wisconsin. The percentage of claims with hospital services decreased in most study states unlike Wisconsin from 2013-2018. In Wisconsin there has been a shift in billing services from non-hospital to hospital outpatient providers. A decrease in surgery rates may be key reason for decreases in facility claims in most states.

In 2016 the WCRI conducted a worker outcome survey. The survey covered injured workers in 15 states, including Wisconsin, who had more than seven days of lost time. Wisconsin workers reported higher satisfaction with medical care overall. Fewer workers reported "big problems" getting a desired medical provider. Self-reported return to work results for Wisconsin showed a somewhat lower percentage of workers who were not working or had no substantial return to work than other states. In Wisconsin the duration of temporary disability per claim, with less than 10 days, was the shortest of all study states.

5. **Department Proposals:** Mr. Peters advised that the DWD proposals are forthcoming and may be ready by the next meeting date.
6. **Other Business:** None
7. **Adjournment:** A motion was made by Mr. Reader to go into a closed session under s. 19.85 (1) (eg), Wis. Stats., to deliberate on the agenda and to adjourn the meeting from closed session. Mr. Large seconded the motion. The motion passed unanimously. The meeting was adjourned at approximately 12:00 p.m.

The Worker's Compensation Advisory Council's next meeting is scheduled for Tuesday, July 13, 2021.