

DRAFT
Council on Worker's Compensation
Meeting Minutes
201 E. Washington Avenue
GEF-1 Building
Madison, Wisconsin
Nov. 29, 2023

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

Members present: Ms. Bloomingdale, Mr. Buchen, Ms. Frank, Mr. Kent, Mr. Nettum, Ms. Egan (Acting Chairperson), Mr. Schwanda, Mr. Streff, and Ms. Ver Velde.

Excused: Mr. Fugina, Ms. Johnson, Mr. Large, Mr. Peters, Mr. Tindall, and Ms. Zarecki.

Staff Present: Ms. Brown, Ms. Lake, Ms. McCormick, Mr. O'Malley, Ms. Przybylo, and Mr. Spencer.

1. **Call to Order/Introductions:** Ms. Egan 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. Staff and attendees introduced themselves.
2. **Approval of the Minutes:** A motion was made by Ms. Bloomingdale to approve the minutes of the Nov. 15, 2023 meeting. Ms. Ver Velde seconded the motion. The minutes were unanimously approved without correction.
3. **Correspondence:** Mr. O'Malley advised that no correspondence had been received since the last meeting on Nov. 15, 2023.
4. **Motion to Caucus:** A motion was made by Ms. Ver Velde to go into a closed session under s. 19.85 (1) (eg), Wis. Stats., to deliberate items on the agenda. The motion was seconded by Ms. Bloomingdale. The motion passed unanimously. Ms. Egan announced the closed session, statutory authority, and the nature of business to be considered. The open session of the meeting was adjourned at approximately 10:14 a.m. The open meeting portion of the meeting was reconvened at 7:26 p.m.
5. **Labor and Management Proposals:** Ms. Ver Velde and Ms. Bloomingdale announced that two (2) agreements had been reached as Agreed Upon Bills. They requested that the bills be drafted separately but submitted simultaneously to the legislature as companion bills to be introduced in both houses.

Upon reconvening Ms. Ver Velde announced the following provisions for the WCAC's Agreed Upon Bills for 2023.

The first bill includes the following provisions:

- i. Establish a medical fee schedule. Language will be submitted to the Department that includes details for this proposal after the meeting. The language will be posted to the Department's website.
- ii. Provide the same worker's compensation coverage for post-traumatic stress disorder (PTSD) to all emergency medical service practitioners and firefighters regardless of their level of employment or volunteer status that was provided to law enforcement officers and full-time firefighters in 2021 Wis. Act 29.
- iii. Indexing the permanent total disability (PTD) rate with a six-year lag. For injuries beginning Jan. 1, 2024 index weekly benefits for permanent total disability to the rate in effect at the time the benefits accrue for periods more than six years after the date of injury. Ms. Bloomindale clarified that after six years the increases would be on an annual basis. This is Labor Proposal No. 10.

The second bill includes the following provisions:

- i. Increase the permanent partial disability (PPD) maximum weekly benefit rate by \$8 for injuries occurring on and after the effective date of the bill from \$430 to \$438 and by \$8 to \$446 for injuries occurring on and after Jan. 1, 2025.
- ii. Allow for lump sum payments of unaccrued permanent partial disability (PPD) benefits in undisputed claims without a 5% interest credit. This is Management Proposal No. 6.
- iii. Approval of Compromise Agreements and Case Closure. When the OWCH issues an order after a formal hearing pursuant to section 102.18(1)(b)1., Stats., or an order approving a compromise agreement under section 102.18(2)(c), Stats., the OWCH will return the file to DWD for any additional administrative activities, including the closing of a claim. DWD will be responsible for notifying the parties of the closing of a claim. If a new application for hearing is filed on a claim after an order has been issued, DWD will forward the claim to the OWCH if a hearing is required. The statute of limitations under section 102.17(4), Stats., will begin to run on the date of the order issued by OWCH. This proposal was from members representing insurance companies.
- iv. Repeal s. 102.51 (1) (a) 2., Stats., and amend s. 102.51 (1) (a) 1., Stats., to the following: A wife married person upon a husband his or her spouse with whom he or she is living at the time of his-the spouse's death. This is Department Proposal No. 1B.
- v. Update terminology from advanced practice nurse prescribers to advanced practice registered nurses in Chapter 102, Stats. This is Department Proposal No. 2.

- vi. Correct the spelling of "speciality" to "specialty" in s. 102.44 (4m) (b), Stats. This is Department Proposal No. 8.
- vii. The citations to the Federal rehabilitation law need to be updated since certain provisions have been repealed. Title 29 USC ss. 701 to 796/ are still in effect. Title 29 USC ss. 797 to 797b were repealed. This is Department Proposal No. 9.
- viii. Increase the amount of large Uninsured Employer Fund (UEF) claims from \$1,000,000 to \$2,000,000 that require reimbursement from worker's compensation insurance carriers. This is Department Proposal No. 10.

A motion was made by Ms. Ver Velde to adopt the aforementioned proposals as part of two Agreed Upon Bills for this session. Ms. Bloomingdale seconded the motion. The motion was unanimously approved. Written instructions will be submitted to the Department as to the specific proposals as soon as possible. Ms. Bloomingdale and Ms. Ver Velde will draft and submit a joint statement for the legislature to support the Agreed Upon Bills.

Ms. Bloomingdale thanked all members of the WCAC and Department staff for working through the traditional process of producing an Agreed Upon Bill and noted that the worker's compensation system is strong and can be relied upon by everyone. Ms. Ver Velde thanked all of the WCAC members and Department staff for working together in the process.

- 6. Adjournment:** A motion was made by Ms. Bloomingdale to adjourn the meeting. The motion was seconded by Ms. Ver Velde. The motion passed unanimously. The meeting was adjourned at approximately 7:35 p.m. The meeting scheduled for Dec. 1, 2023, was canceled.