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August 15, 2019

Steve Peters, Chair
Administrator
Wisconsin Worker's Compensation Division
201 E. Washington Ave.
Madison WI 53702

via email only

RE: Recommendation for change to the WC statute

Dear Mr. Peters,

I have a second suggestion related to my last email. Our statute has not been updated since HIPPA went into effect. Applicant's and their attorneys should be required to provide medical authorizations using DWD's authorization form, so respondents can obtain the necessary records. Countless time is wasted waiting for the authorizations. If the authorizations are not provided, the claim should be suspended until such time as the authorizations are provided. This is especially true since we do not have subpoena power. If applicants are not going to be required to provide authorizations, then respondents should be granted subpoena power to obtain the records.

Please let me know if you have any questions.

Thank you!
Steve McManus

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August 14, 2019

Steve Peters, Chair
Administrator
Wisconsin Worker's Compensation Division
201 E. Washington Ave.
Madison WI 53702

via email only

RE: Recommendation for change to the WC statute

Dear Mr. Peters,

For nearly 20 years, we have had to deal with Medicare and CMS issues. Yet, the statute does not require applicant's and applicant's attorneys to provide the authorizations for the Social Security file or Social Security Information Request form. We cannot obtain these records, but through the use of an authorization. I believe all applicant's and their attorneys must be required to sign the authorizations necessary to obtain these files and to deal with any portion of the MSA, CMS approval, etc. I recently had an applicant attorney refuse to sign the annuity documents for the MSA that CMS already approved, and the atty's reason, "It is not required by law." We must change the law to require both the applicant and the attorney sign any authorizations or documents dealing with Social Security, Medicare, CMS, and MSA documents (which can be annuities, professionally administered, etc.).

I talked to Judge Lake last week at WAWCA about this; she agreed with me and recommended I email you.

Please let me know if you have any questions.

v/r,
Steve

Stephen J. McManus
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