

# Workers Compensation Claim State Environmental Guide - Wisconsin

WISCONSIN – [dwd.wisconsin.gov/wc](http://dwd.wisconsin.gov/wc)

## Indemnity issues

Temporary Total Benefits	\$30.00 Min, \$911.00 max (\$936 max beginning 1/1/16; \$961 max beginning 1/1/17), 3 day waiting period (excluding Sundays if not normally scheduled), 7 day retro period, unlimited benefits. Two thirds of AWW. AWW based on the hourly rate times the wage rate or the last 52 weeks wage, whichever is higher. Six-day work week used. First payment due within 14 days of first day of lost time. No cap on number of weeks that can be paid.
Temporary Partial Benefits	No min or max – rate is based on the ratio of actual weekly wage loss to average weekly wage times the TTD rate. 3 day waiting period, 7 day retro period, unlimited benefits.
Permanent Partial Benefits	No min, Two thirds of AWW up to \$322.00 max for injury dates to 3/1/16. For injury on or after 3/2/16 to 12/31/16 \$342.00 max. For injury on or after 1/1/17 max \$362.00. Limited benefits – 1000 weeks for whole body, all other body parts scheduled. State specific ratings by physician, not based on AMA guidelines.
Permanent Total Benefits	\$30.00 Min, \$911.00 max (\$936 max beginning 1/1/16; \$961 max beginning 1/1/17). Unlimited benefits
Fatality Benefits	Up to 4 years average annual wage paid weekly at TTD rate. Capped at \$267,600.00 max (as of 1/1/16 \$280,800 maximum; as of 1/1/17 \$288,300 maximum). Maximum burial expense of \$10,000. Payment into the State Fund of \$20,000.00.
Vocational Rehabilitation	Must be certified by DVR for appropriate 2 or 4 year program. TTD, meals, tuition, fees, books and travel expenses are paid during training. Maximum payment for private voc services is \$1,548.00 (\$1,616 beginning 1/1/16; \$1,631 beginning 1/1/17). For dates of loss on or after 3/2/16 retraining can now be part of prospective order; no offset for part-time work unless working more than 24 hours per week.
Settlement Allowed	Yes. Can full and final if dispute is causation or extent greater than 100 weeks.
Cap on benefits, exceptions	None

## Medical issues

Initial Choice of Provider	Employee choice. One IME allowed per issue/body part involved. Follow up IMEs when change in condition/issues to address (with same physician) or every 6 months has been interpreted as being reasonable.
Change of Provider	One provider change allowed. Referrals not considered a change.
Medical Fee Schedule	None
Managed Care	None. For more information, please refer to the <a href="#">WC Managed Care Quick Reference Chart by State Guide</a> .

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Utilization Review	None. Prospective only based on physician review.
Treatment Guidelines	In place, however cannot be relied upon without supporting medical opinion.
Generic Drug Substitution	The state mandates generic substitution.
Medical Mileage Reimbursement Rate	\$.51 per mile.
Network Information	Focus is the primary network with Corvel as the secondary network.
Ability to Terminate Medical Treatment	No limit on medical treatment reasonably and necessarily required to cure or relieve the injury. IME needed to terminate.
Settlement Allowed	Yes, but only if causation dispute.
Cap on benefits, exceptions	No cap. Exception is usual and customary reductions using Wisconsin certified database.

**Other Issues**

WC Hearing Docket Speed	Hearings being set within 90 days from certificate of readiness. Pre-hearings will be held first for unrepresented employees. Certificate of readiness must be filed by applicant, unless unrepresented.
Staff Counsel	Chapin & Associates 13935 Bishop's Dr. - Suite 250 Brookfield, WI 53005 Phone: 262-825-9290
Hearings require attorney or claim handler participation	Attorney or licensed hearing examiner participation.
Occupational Diseases	Handled same as occupational injury.
Second Injury Fund availability	If the employee had at least 200 weeks of disability (combined disability from any part of body whether health condition or work related) and has a minimum of 200 weeks of disability from a new WC injury, the employee would be entitled to the amount of the lesser of the two. If the combination of the preexisting and the WC claim results in PTD the WC carrier is responsible for all benefits.
Other Offset Opportunities	Social Security payments (disability benefits).
EDI	Claims EDI Release 1: FROI only (7/1/1995)
In-State Adjusting Required	No
License or Certification Required	No