



# 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, \$1,016.00 max (\$936 max beginning 1/1/16; \$961 max beginning 1/1/17; \$994 max beginning 1/1/18; \$1,016 max beginning 1/1/19 \$1,051 max beginning 1/1/2020; \$1094 max beginning 1/1/2021, \$1159.00 max beginning 1/1/2022 3 day waiting period (excluding Sundays if not normally scheduled), 7day retro period, unlimited benefits. The TTD rate is 2/3 of AWW. AWW is based on the hourly rate times the number of hours worked per week, 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, 7day retro period, unlimited benefits. We have a TPD calculator we utilize to calculate benefits owed.
Permanent Partial Benefits	Look to the year of the injury for the maximum rate. No min, 2/3 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. For injury on or after 4/10/22, max is \$415. Limited benefits – 1000 weeks for non-scheduled injuries, all other body parts scheduled. State specific ratings by physician, not based on AMA guidelines.
Permanent Total Benefits	\$30.00 Min, \$1094.00 max (\$936 max beginning 1/1/16; \$961 max beginning 1/1/17; \$994 max beginning 1/1/18; \$1,016 max beginning 1/1/19; \$1051.00 max beginning 1/1/2020; \$1094 max beginning 1/1/2021, \$1159.00 max beginning 1/1/2022). Unlimited benefits.
Fatality Benefits	Up to 4 years average annual wage paid weekly at TTD rate. Capped at \$347,700.00 max (as of 1/1/16 \$280,800 maximum; as of 1/1/17 \$288,300 maximum; as of 1/1/18 \$298,200 maximum; as of 1/1/19 \$304,800 maximum; as of 1/1/2020 \$315,300.00; as of 1/1/2021 \$328,200 maximum). Maximum burial expense of \$10,000. Payment into the State Fund of \$20,000.00. Potential payment up to \$6500 to surviving, non-estranged parents of deceased.
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 annual limit for services provided by private vocational rehabilitation specialists is \$1736.00 (\$1,616 beginning 1/1/16; \$1,631 beginning 1/1/17; \$1,664 beginning 1/1/18; \$1,704 beginning 1/1/19; \$1736 beginning 1/1/2020). 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.



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**Indemnity issues**

Settlement Allowed	Yes. Can settle full and final if dispute is causation or extent greater than 100 weeks or factual dispute. **We are seeing the ALJs deviate from this now, so the factual dispute of 100 weeks may not always afford us the opportunity to settle full and final.
Cap on benefits, exceptions	Yes. Based upon statutory allowance for PPD.

**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. Unlimited medical record reviews as they are not required to be shared with the applicant.
Change of Provider	One provider change allowed. Referrals not considered a change.
Medical Fee Schedule	None
Managed Care	None.
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	Coventry Integrated Network
Ability to Terminate Medical Treatment	No limit on medical treatment reasonably and necessarily required to cure or relieve the injury. IME or treating doctor puts applicant at end of healing needed to terminate.
Settlement Allowed	Yes, but only if causation or other dispute (e.g. factual dispute) = 100 weeks.
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 representative 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)

**Indemnity issues**

In-State Adjusting Required	No
License or Certification Required	No