Index

ACCIDENTS

Generally, § 8:2

Causation, direct, § 8:3

Pre-existing condition, aggravation of, § 8:4

Successive, apportionment liability for, § 8:10

ACTUAL WAGE LOSS

Permanent disability, § 16:22

ADA

Comparison with workers' compensation system, § 1:23

ADMINISTRATIVE CODE (WISCONSIN)

Wisconsin Administrative Code, this index

ADMISSIBILITY

Claims, § 26:35

ADVANCEMENT

Advancement or Lump Sum Request, App. B-17

AGE

Social security offset cessation, department letter, App. B-47

AGENTS

Attorney fees, § 29:5

AGGRAVATION

Of injury beyond normal progression, § 12:7

ALCOHOL

Injuries during, § 11:18

Tests, defenses by employer, § 15:15

ALIENS

Illegal, defenses by employer, § 15:14

ALTERNATIVE DISPUTE RESOLUTION

Settlements, § 28:11

ALTERNATIVE TREATMENTS

Medical expenses, § 20:19

AMENDMENTS

Claims, § 26:20

Orders amending errors, § 26:45

Progressive, § 2:5

Retroactivity of, § 2:12

AMERICANS WITH DISABILITIES ACT (ADA)

Comparison with workers' compensation system, § 1:23

ANSWERS

Circuit Court appeals, § 27:8 Claim applications, § 26:11

APPEALS

Generally, § 27:1 to 27:13

Administrative review, § 27:1 to 27:5

Answers, § 27:8

Circuit Court, this index

Compensation during judicial, § 27:9

Court of Appeals, § 27:11, § 27:12

Evidence, § 27:5

Judicial, § 27:6 to 27:13

"Legitimate doubt" assessment, § 27:4

Petitions

review, § 27:2, App. B-13

Supreme Court, § 27:13

APPLIANCES

Damage to existing, § 20:21

Supreme Court, § 27:13

APPLICATIONS

Admission to Service and Answer to Application, **App. B-12** Answer to claim, § **26:11** Compromise Review Application, **App. B-4** Hearing, § **26:8**, **App. B-3**

APPORTIONMENT

Successive accidents, § 8:10

"AS IS" RULE

Arising out of employment, § 12:6

ASBESTOS

Occupational diseases, § 9:23

ATTORNEY FEES

Generally, § 29:1 to 29:7

Agents, § 29:5

"But for" rationale, § 29:3

Contingent fee, twenty percent, § 29:1

Costs of collection, § 29:7

Department of Workforce Development Memorandum regarding Attorney Fees for Medical Expenses in Compromises (August 6, 2019), **App. B-50**

Limits, § 29:4

Successive attorneys, § 29:6

Undisputed claims, § 29:2

ATTORNEYS

Claims case preparation, § 26:8 Fees. Attorney Fees, this index Successive attorneys, § 29:6

AUTOMOBILES

Modifications to, § 20:22

AVERAGE WEEKLY WAGE

Calculation of benefits, § 14:1

BACKS

Injury, § 8:6 Occupational diseases, § 9:15

BAD FAITH

Denial, penalties, § 25:17 to § 25:19

BANKRUPTCY

Settlements, concerns for, § 28:9

BARRED CLAIMS

Funds, § 9:13 Hearing loss, § 9:25

BENEFITS, CALCULATION OF

Average weekly wage, § 14:1 Disfigurement, § 19:3 Firefighters, volunteer, § 14:9 Full-time work, § 14:2 Injuries after April 10, 2022, § 14:7 Injuries before April 10, 2022, § 14:6 Items of value, additional, § 14:3 Maximum earnings, presumption of, § 14:8 Offsets, this index Permanent disability, § 16:6 to 16:10 Presumption of maximum earnings, § 14:8 Prisoners, § 14:10 School employees, § 14:11 Seasonal work, § 14:5 Unreported wages, § 14:4 Volunteer firefighters, § 14:9 Wages average weekly, § 14:1 unreported, § 14:4 Work injury benefit fund barred claim, App. B-49

BREAKS

Injuries during, § 11:8

Youthful workers, § 14:8

BURDEN OF PROOF

Permanent total disability, "odd lot" doctrine, § 17:7 Safety violations, § 25:7, § 25:16

BURIAL EXPENSES

Death benefits, § 21:10

"BUT FOR" RATIONALE

Attorney fees, § 29:3

CALCULATIONS

Permanent total disability, § 17:10

CANCER

Occupational exposure to carcinogens, § 9:21 Smoking defense, § 9:22

CARCINOGENS

Occupational exposure to, § 9:21

CARDIOVASCULAR DISABILITY

Generally, § 9:18

CARS

Carpooling, injuries during, § 11:20 Modifications to, § 20:22

CASINOS

Coverage by, § 3:13

CASUAL EMPLOYEES

Employment status, § 7:5

CERTIFICATE OF READINESS

Claims, § 26:10 Form, **App. B-29**

CERTIFICATES AND CERTIFICATION

Readiness certification, department letter, App. B-48

CERVICAL SPINE

Departmental Memorandum regarding PPD for Cervical Spine Surgeries, **App. B-33**

CESSATION OF BENEFITS

Temporary disability, § 15:11 to 15:16

CHECKLISTS

Claims, § 26:32

CHILDREN

Death benefits, § 21:11 Illegal employment of, § 25:39 Support, offsets, § 24:6

CHOICE OF LAW Generally, § 2:13 CIRCUIT COURT APPEALS Generally, § 27:7 Answers, § 27:8 Compensation during appeal to, § 27:9 Standard of review in, § 27:10 **CLAIMS** Generally, § 26:1 to 26:46 Additional, § 26:20 Admissibility, § 26:35 Amendments, § 26:20, § 26:45 Answer to application, § 26:11 Applications, § 26:11, § 26:12 Attorney's case preparation, § 26:8 Certificate of Readiness, § 26:10 Checklists, § 26:32 Collateral estoppel, § 26:48 Deadlines, § 26:19 Depositions, § 26:30 Dismissal of application, § 26:12 Disputed, **§ 26:6** Due Process, § 26:29 Evidence, rules of, § 26:34 Expenses, medical, § 26:24 Final orders, § 26:43 Fraud, § 26:3 Hearings applications, § 26:8 notices, § 26:26 protocol, § 26:32 Judge substitutions, § 26:28 Jurisdiction, § 26:47 Medical examinations, adverse, § 26:14 Medical expenses, § 26:24 Medical record authorization and physician-patient privilege, § 26:41 Medical records, § 26:16, § 26:23, § 26:38 Medical reports, § 26:22, § 26:38 Notices, § 26:19, § 26:26 Orders error amendment, § 26:45 final, § 26:43 interlocutory, § 26:44

Parties, impleading additional, § 26:18

Payment requirements, § 26:2 Permanency, advancement on, § 26:5

CLAIMS—Cont'd

Postponements, § 26:27

Preclusion of issue, § 26:48

Prehearing conferences, § 26:13

Privilege, physician-patient, § 26:41

Proceedings, order of, § 26:33

Reporting, § 26:2

Rules of evidence, § 26:34

Subpoenas, § 26:31

Surveillance, § 26:36

Third party, § 13:9 to 13:11, § 24:18

Third party claims, limitations on, § 23:5

Tie-breaker decisions, § 26:46

Tie-breaker examinations, § 26:17

"Treating practitioner" rules, § 26:39

Uninsured Employers' Fund, § 5:2

Venue, § 26:9

Vocational reports, § 26:15, § 26:21, § 26:38

CLIENT INTAKE FORM

Form, App. B-30

COLLATERAL ESTOPPEL

Claims, § 26:48

COMFORT

Personal, course of employment, § 11:12

COMING AND GOING RULE

Injuries, § 11:4

COMMON LAW LIABILITY

Generally, § 2:1

COMMUNITY SERVICE

Employment status, § 7:13

COMPENSATION RATING BUREAU

Generally, § 6:1 to 6:7

Funding, § 6:4

Office of the Commissioner of Insurance (OCI), § 6:3

Pricing

determination of, § 6:5, § 6:6

retrospective adjustments to, § 6:7

Statutory authority, § 6:2

COMPROMISE

Compromise Agreement, App. B-19

Compromise Review Application, App. B-4

Prior, effect on penalties, § 25:35

Settlements, this index

COMPULSORY COVERAGE

Generally, § 4:1

CONFLICT OF LAWS

Generally, § 2:13

CONSENTS

Voluntary and Informed Consent for Disclosure of Health Care Information, App. B-27

CONSTITUTIONALITY

Worker's compensation law, § 2:4

CONTINGENT FEES

Attorney fees, twenty percent, § 29:1

CONTRACTORS

"Contractors over," § 13:8

Employment status, § 7:3

Exclusivity, § 13:8

Independent, employment status, § 7:3

Subcontractors, responsibility to uninsured, § 7:7

CORPORATE OFFICERS

Form, **App. B-25**

COSTS

Medical Expenses, this index

COUNTY EMPLOYEES

Employment status, § 7:8, § 7:11

COURT OF APPEALS

Appeals to, § 27:11, § 27:12

COVERAGE

Generally, § 4:1 to 4:6

Claims not insurable, § 4:6

Compulsory, § 4:1

Failure to insure, § 4:4

Self-insured status, § 4:2

Wisconsin Insurance Security Fund, § 4:3

Withdrawal from coverage, § 4:5

CRIME VICTIMS COMPENSATION

Workers' compensation offsets, § 24:16

CRIMES

Defenses by employer, § 15:16

DANGER

"Spilled over danger," § 11:6

DATE

Time and Date, this index

DEATH BENEFITS Generally, § 21:1 to 21:13 Burial expenses, § 21:10 Children's Fund, § 21:11 Date of death issues, § 21:6 Date of injury issues, § 21:6 Death Benefit Stipulation form, App. B-16 Dependency partial, § 21:8 total, § 21:7 Dependents generally, § 21:5 division among, § 21:9 Division among dependents, § 21:9 Liability to fund, § 21:12 Limitations, § 23:2 Partial dependency, § 21:8 Partially disabled employee, § 21:4 Permanently disabled employee, § 21:3, § 21:4 Safety officers, § 21:13 Second Injury Fund, § 22:6 Totally disabled employee, § 21:3 **DEFENSES BY EMPLOYER** Generally, § 15:11 to 15:16 Alcohol tests, § 15:15 Common law, § 2:1 Crimes, commission of, § 15:16 Drug tests, § 15:15 Guard not available, § 25:10 Injury not compensable, § 25:11 Job offers, § 15:11 Limitation of actions, § 25:12 Misconduct, employee, § 25:8 "Odd lot" doctrine, § 17:9 Permanent total disability, "odd lot" doctrine, § 17:8 Safety violations, § 25:8 to 25:12 Smoking defense of cancer, § 9:22 Undocumented workers, § 15:14 Unlawful rule, § 25:9 Vocational rehabilitation generally, § 18:7 to 18:15 abuse of agency discretion, § 18:7 delays in seeking retraining benefits, § 18:10 enhancement, not restoration of pre-injury earnings, § 18:11 expert disagreement with program, § 18:8 failure to follow program, § 18:13

fraud, § 18:7

DEFENSES BY EMPLOYER—Cont'd

Vocational rehabilitation—Cont'd GED, § 18:12 misconduct discharge, § 18:15 part-time study, § 18:12 program inconsistency with physical capacity, § 18:14 quit, voluntary, § 18:9

DENTISTS

Medical expenses, § 20:11

DEPARTMENT OF WORKFORCE DEVELOPMENT

Change in maximum age for ending social security offset, letter regarding, **App. B-47**

Department Memorandum regarding Attorney Fees for Medical Expenses in Compromises (August 6, 2019), **App. B-50**

Department policy procedures, App. B-44

Procedures for certification of readiness, letter regarding, App. B-48

Social security authorization, letter regarding, App. B-45

Transfer of workers' compensation hearings, letter regarding, App. B-46

DEPENDENTS

Death Benefits, this index

DEPOSITIONS

Claims, § 26:30

DERMATOLOGIC DISEASES

Occupational diseases, § 9:16

DEVIATION

Injuries during, § 11:15

DIRECTIVES

Violating employer, § 11:13

DISABILITY BENEFITS

Offsets, § 24:13, § 24:15

Permanent Disability, this index

Social Security Disability offsets, § 24:4

Temporary Disability, this index

DISEASES

Occupational Diseases, this index

DISFIGUREMENT

Generally, § 19:1 to 19:6

Benefit calculation, § 19:3

Department Policy regarding payment of awards, App. B-36

Hearings, § 19:6

"Potential wage loss," § 19:4

"Probable wage loss," § 19:5

DISPUTED CLAIMS

Generally, § 20:24 to 20:32, § 26:6

Administrative dispute resolution process, § 20:27

Fees, reasonableness of, § 20:26 to 20:28

Liability disputes, § 20:25

Necessity of treatment, § 20:29 to 20:32

Notice to health care providers, § 20:24

Spencer Rule codified, § 20:30

DISTRIBUTIONS

Payments, this index

DIVISION OF VOCATIONAL REHABILITATION (DVR)

Generally, § 18:2 to 18:15

Out-of-state programs, § 18:6

Payments, liability for, § 18:3

Prospective orders, § 18:4

Work during retraining, § 18:5

DOCTORS

Physicians, this index

DOSAGE

Occupational diseases, requirement, § 9:10

DRUG TESTS

Defenses by employer, § 15:15

DUAL EMPLOYMENT

Employment status, § 7:20

DUE PROCESS

Claims, § 26:29

DURATION

Occupational diseases, requirement, § 9:9

DUTY DISABILITY

Application, App. B-40

Employer certification duty disability, App. B-41

Medical report, App. B-41

EARNINGS

Actual wage loss, permanent disability, § 16:22

Average weekly wage, § 14:1

Future wage loss, § 1:10

Loss of, temporary disability, § 15:3

Loss of earning capacity, § 16:13, § 16:15, § 16:19, § 16:23

Maximum Earnings, this index

Unreported, § 14:4

Wage Information Supplement, App. B-7

EIGHT-FIVE PERCENT RULE

Permanent disability, § 16:17

EMERGENCY ASSISTANCE

Employment status, § 7:15 Medical expenses, § 20:7

EMPLOYEES

Employment, this index

EMPLOYERS

Employment, this index

EMPLOYER'S LIABILITY ACT

Coverage under federal, § 3:11

EMPLOYMENT

Generally, § 3:1 to 3:13, § 7:1 to 7:21

Casinos as employers, § 3:13

Casual employees, § 7:5

Community service, § 7:13

Continuing employment presumption, § 11:3

Contractors

duty to uninsured subcontractors, § 7:7

independent, § 7:3

County employees, § 7:8, § 7:11

Criteria, § 3:3

Dual employment, § 7:20

Emergency assistance, § 7:15

Employer's First Report of Injury or Disease, App. B-5

Farming, § 3:4

Full-time, § 14:2

Gaming casinos as employers, § 3:13

Hazardous employment pay, § 7:9

Independent contractors, § 7:3

Injuries Arising out of Employment, this index

Injuries in the Course of Employment, this index

Inmates, § 7:12

Job offers

defenses by employer, § 15:11

permanent disability, § 16:18

Joint employment, § 7:20

Loaned employees, § 7:21

Municipal employees, § 7:8, § 7:11

Municipalities as employers, § 3:2

Native American employers, § 3:13

Officers, corporate, § 7:17

Partners, § 7:18

Part-time employment, § 7:14

Prisoners, § 7:12

EMPLOYMENT—Cont'd

Protective employee benefits, § 7:10

Public employees, § 7:8

Refusal to rehire, § 25:24

Relationship, test of employment, § 7:2

School work training, § 7:6

Sole proprietors, § 7:18

State agency employees, § 7:9

State employees, § 7:8

States as employers, § 3:2

Subcontractors, uninsured, § 7:7

Suitable job, private vocational rehabilitation, § 18:17

Temporary help agencies as employers, § 3:5

Truckers, § 7:16

Undocumented workers, § 7:19

Volunteers, § 7:4

Work training, § 7:6

ERRANDS

Private, injuries during, § 11:14

ETHICS

Wisconsin Ethics Opinion 87-10, App. B-37

EVIDENCE

Appeals, § 27:5

Rules of, § 26:34

EXCLUSIVITY

Generally, § 13:1 to 13:8

Co-employees, against, § 13:6

"Contractors over," § 13:8

Exceptions, § 13:4, § 13:6

Jurisdiction, § 13:2

Liability, conditions of, § 13:1

Malpractice, medical, § 13:7

EXERTION

Occupational diseases, causation, § 9:8

EXPERTS

Disagreement with vocational rehabilitation programs, § 18:8

Vocational

permanent disability, § 16:14, § 16:16

Vocational Expert Report, App. B-23

EXPOSURE

Occupational diseases, causation, § 9:8

EYEGLASSES

Damage to existing, § 20:21

EYES

Physician's Report on Eye Injuries, App. B-10

FAILURE TO INSURE

Requirements of coverage, § 4:4

FAMILY AND MEDICAL LEAVE ACT (FMLA)

Comparison with workers' compensation system, § 1:24

FARMING

Coverage by, § 3:4

FEDERAL LAWS

Generally, § 1:20 to 1:24

As to particular law, see name of statute

Coverage under, § 3:9 to 3:12

Preemption, § 25:38

FEES

Attorney Fees, this index

Medical Expenses, this index

Reasonableness of Fee Dispute Resolution Request, App. B-28

FIGHTS

Injuries during, § 11:17

FINAL ORDERS

Claims, § 26:43

FIREFIGHTERS

Volunteer, calculation of benefits, § 14:9

FIVE PERCENT RULE

Functional variance, permanent disability, § 16:20

FMLA

Comparison with workers' compensation system, § 1:24

FOREIGN WORKERS

Defenses by employer, § 15:14

FRAUD

Claims, § 26:3

Defenses by employer, vocational rehabilitation, § 18:7

FULL-TIME EMPLOYMENT

Calculation of benefits, § 14:2

FUNCTIONAL LOSS

Permanent disability, § 16:13

FUNERAL EXPENSES

Death benefits, § 21:10

FUTURE WAGES

Loss of, § 1:10

GAMING CASINOS

Coverage by, § 3:13

GED

Defenses by employer, vocational rehabilitation, § 18:12

GLASSES

Damage to existing, § 20:21

HARBOR WORKERS

Longshore and Harbor Worker's Compensation Act, § 3:10

HAZARDS

Hazardous employment pay, state agency employees, § 7:9 Special, injuries during, § 11:6

HEALING PERIODS

Post-traumatic mental injuries, plateau, § 10:4 Temporary disability, § 15:7 to § 15:10

HEALTH INSURANCE

Offsets, § 24:8

HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT

Generally, § 1:22

HEARING AIDS

Damage to existing, § 20:21 Medical expenses, § 20:20

HEARING LOSS

Barred claims, § 9:27 Measurement of, § 9:26 Occupational, § 9:25 Restrictions, § 9:26 Traumatic, § 8:8

HEARINGS

Application for claim, § 26:8, App. B-3

Compensation hearings, department letter, App. B-46

Disfigurement, § 19:6

Hearing Summary Checklist, App. B-31

Liability for treatment expenses after, § 20:35

Notices of, § 26:26

Prior, effect on penalties, § 25:35

Protocol, § 26:32

Safety violations, § 25:13

HEART CONDITIONS

Occupational diseases, § 9:18, § 9:19

HERNIA

Injury, § 8:7

INDEX

HIPAA

Generally, § 1:22

HISTORICAL BACKGROUND

Generally, § 2:1 to 2:14

HOMES

Modifications to, § 20:22 Work at home, injuries during, § 11:9

HORSEPLAY

Injuries during, § 11:16

IDIOPATHIC INJURY

Arising out of employment, § 12:4

ILLEGAL ALIENS

Defenses by employer, § 15:14

ILLEGAL EMPLOYMENT

Of children, § 25:39

INDEPENDENT CONTRACTORS

Employment status, § 7:3

INFECTIONS

Injury, § 8:9

Viruses, § 8:9

INJURIES, GENERALLY

Generally, § 8:1 to 8:10

Accidents, § 8:2 to 8:4

Back, § 8:6

Compensibility, safety violations, § 25:11, § 25:25

Death benefits, § 21:2

Definition, § 8:1

Direct causation, § 8:3

Hearing loss, traumatic, § 8:8

Hernia, § 8:7

Idiopathic, § 12:4

Infections, § 8:9

Injuries Arising out of Employment, this index

Injuries in the Course of Employment, this index

Mental Injuries, this index

Pre-existing conditions, § 8:4

Second Injury Fund, this index

Self-inflicted, § 12:5

Successive accidents, § 8:10

Traumatic hearing loss, § 8:8

Unexplained, § 12:4

Viruses, § 8:9

INJURIES ARISING OUT OF EMPLOYMENT

Generally, § 12:1 to 12:10

Aggravation beyond normal progression, § 12:7

"As is" rule, § 12:6

Idiopathic injury, § 12.4

Intent, self-inflicted injuries, § 12:5

Intervening cause, § 12:9

Malpractice, aggravation by, § 12:10

Personal cause of injury, § 12:4

Positional risk doctrine, § 12:3

Re-injury, § 12:7

Risk, positional, § 12:3

Self-inflicted injuries, § 12:5

Statutory criteria, § 12:2

Suicide, § 12:5

Unexplained injury, § 12:4

INJURIES IN THE COURSE OF EMPLOYMENT

Generally, § 11:1 to 11:25

Alcohol, § 11:18

Breaks, § 11:8

Carpooling, § 11:20

Collection of pay, § 11:25

Coming and going rule, § 11:4

Continuing employment presumption, § 11:3

Danger, spilled over, § 11:6

Deviation, § 11:15

Directives, violating employer, § 11:13

Employer premises, § 11:5

Errands, private, § 11:14

Fights, § 11:17

Hazards, special, § 11:6

Home, work at, § 11:9

Horseplay, § 11:16

Intoxication, § 11:18

Liberal construction, § 11:2

Lunch, § 11:8

Medical appointment, travel to, § 11:26

Mutual benefit doctrine, § 11:23

Overtime trip, § 11:21

Parking lots, § 11:7

Personal comfort, § 11:12

Recreational activities, § 11:10

Rescue, § 11:24

"Spilled over danger," § 11:6

Transportation, employee, § 11:20

Travel, § 11:19 to 11:22, § 11:26

Wellness programs, § 11:11

INJURIES IN THE COURSE OF EMPLOYMENT—Cont'd

Work at home, § 11:9

INMATES

Employment status, § 7:12

INSURANCE COVERAGE

Coverage, this index

INSURERS

Reimbursement to group carrier, § 20:5

Requirements, torts, § 1:14

Second Injury Fund, § 22:3

Settlements, rights of non-industrial, § 28:8

INTAKE

Client Intake Form, App. B-30

INTENT

Self-inflicted injuries, § 12:5

INTERLOCUTORY ORDERS

Claims, § 26:44

INTERVENING CAUSE

Arising out of employment, § 12:9

INTOXICATION

Injuries during, § 11:18

JOBS

Employment, this index

JOINT EMPLOYMENT

Employment status, § 7:20

JONES ACT

Coverage under, § 3:13

JUDGES

Substitution of, § 26:28

JURISDICTION

Generally, § 3:6 to § 3:8

Exclusivity, § 13:2

Final order, following, § 26:47

LABOR AND INDUSTRY REVIEW COMMISSION

Generally, § 2:9, § 2:10

LATEX

Occupational diseases, § 9:24

"LEGITIMATE DOUBT"

Administrative review, § 27:4

LIABILITY

Disputed claims, § 20:25 Exclusivity, § 13:1 Length of, § 20:3, § 20:4 Medical benefits, § 20:1 Successive exposures, § 9:11

LICENSE APPLICATION

Form, **App. B-14**

LIMITATIONS

Barred disease claims, § 23:3
Barred serious trauma claims, § 23:4
Death claims, § 23:2
Occupation diseases, § 9:13
Safety violations, § 25:12
Statute of limitations, § 23:1
Third party claims, § 23:5

LITIGATION

Treatment expenses, § 20:34

LOANED EMPLOYEES

Employment status, § 7:21

LONGSHORE AND HARBOR WORKER'S COMPENSATION ACT

Coverage under, § 3:10

LOSSES

Earning capacity, § 16:13 Functional loss, § 16:13 Future wages, § 1:10

LUMP SUMS

Advancement or Lump Sum Request, App. B-17

LUNCH

Injuries during, § 11:8

LUNGS

Pulmonary conditions, § 9:20

MAINTENANCE CARE

Medical expenses, § 20:17

MALPRACTICE

Aggravation of injury by, § 12:10 Exclusivity, medical malpractice, § 13:7

MAXIMUM AGE

Social security offset cessation, department letter, App. B-47

MAXIMUM EARNINGS

Presumption of, § 14:8

MAXIMUM EARNINGS—Cont'd

Wage chart, App. B-1

MEDICAID

Offsets from workers' compensation, § 24:5

MEDICAL EXAMINATIONS

Adverse, § 26:14

Travel to, § 11:26

MEDICAL EXPENSES

Generally, § 20:1 to 20:35, § 26:25

Administrative Code guidelines, § 20:33

"Alternative" treatments, § 20:19

Appliances, damage to existing, § 20:21

Automobiles, modifications to, § 20:22

Cars, modifications to, § 20:22

Damage to existing artificial members, § 20:21

Dentists, § 20:11

Disputed Claims, this index

Emergency treatment exception, § 20:7

Eyeglasses, damage to existing, § 20:21

Glasses, damage to existing, § 20:21

Hearing aids, § 20:20, § 20:21

Homes, modifications to, § 20:22

Length of liability, § 20:3, § 20:4

Liability for, § 20:1, § 20:35

Limitations, § 20:14, § 20:15

Litigation of claims for, § 20:34

Maintenance care, § 20:17

Modifications of vehicles, vans, homes, § 20:22

Nurse practitioners, § 20:12

Occupational therapists, § 20:13

Optometrists, § 20:10

Physical therapists, § 20:12

Physician assistants, § 20:12

Practitioners, choice of treating, § 20:6

Prescription medication, § 20:36

Prospective treatment, § 20:2

Prosthesis, damage to existing, § 20:21

Reimbursement to group carrier, § 20:5

Remodeling, home, § 20:22

Teeth, damage to existing artificial, § 20:21

Travel for treatments, § 20:18

Vans, modifications to, § 20:22

Vehicles, modifications to, § 20:22

MEDICAL RECORDS

Authorization and physician-patient privilege, § 26:40, § 26:41

Claims, § 26:23, § 26:38

MEDICAL RECORDS—Cont'd

Refusal to hire, reliance on, § 25:29 Review, § 26:16

MEDICAL REPORTS

Claims, § 26:22

Medical Report on Industrial Industry, App. B-8

Medical Report to Determine Unemployment Insurance Eligibility, App. B-32

Review, § 26:4

MEDICAL STANDARDS

Occupational diseases, § 9:7

MEDICAL TREATMENT

Length of liability, § 20:3, § 20:4

Liability for, § 20:1

Medical Treatment Statement, App. B-2

Occupational diseases, § 9:4

Prospective treatment, § 20:2

Statement, App. B-3

Traumatic injuries, § 20:4

MEDICARE

Offsets, § 24:17

Set-asides, policy memorandum, App. B-39

Settlements, § 28:10

MENTAL HEALTH

Practitioners, § 20:9

MENTAL INJURIES

Generally, § 10:1 to 10:7

Diagnostic criteria, § 10:3

Healing period, § 15:9

Healing plateau, § 10:4

Non-traumatic, § 10:6

Permanency, § 10:5

Post to traumatic, § 10:2 to 10:5

Post-Traumatic Stress Disorder, § 10:3

Stress aggravating physical conditions, § 10:7

Temporary disability, healing period, § 15:9

MILEAGE RATES

Form, App. B-42

MINORS

Children, this index

MUNICIPALITIES

Coverage by, § 3:2

Employees, employment status, § 7:8, § 7:11

MUTUAL BENEFIT DOCTRINE

Injuries in the course of employment, § 11:23

NATIVE AMERICANS

Gaming casinos, § 3:13

NECESSITY OF TREATMENT DISPUTE RESOLUTION REQUEST

Form, **App. B-26**

NON-SCHEDULED INJURIES

Generally, § 16:2

Definition, § 16:4

Injury causing disability, § 16:12

Location of disability controls, § 16:5

Permanent total disability, § 17:3

Rating for permanent disability, § 16:8

Vocational rehabilitation, § 16:21

NOTICES

Deadlines, § 26:19

Disputed claims, § 20:24

Hearings, § 26:26

Safety violations, § 25:5

NURSE PRACTITIONERS

Medical expenses, § 20:12

OCCUPATIONAL DISEASES

Generally, § 9:1 to 9:28

Asbestos related, § 9:23

Back disabilities, § 9:15

Barred claims, § 23:3

Barred claims fund, § 9:13

Cancer, § 9:21, § 9:22

Cardiovascular, § 9:18

Causation, § 9:5 to 9:10

Date of injury, § 9:3

Definition, § 9:2

Dermatologic, § 9:16

Dosage requirement, § 9:10

Duration requirement, § 9:9

Exertion, § 9:8

Exposure, § 9:8

Hearing loss, § 9:25 to 9:27

Heart conditions, § 9:19

Latex related, § 9:24

Liability, § 9:11, § 9:12

Limitation of actions, § 9:13

Lung conditions, § 9:20

Medical standard, § 9:7

OCCUPATIONAL DISEASES—Cont'd

Non-disabling, recovery for, § 9:28 Orthopedic disability, § 9:14 Pulmonary disability, § 9:20 Skin diseases, § 9:16 Smoking defense, § 9:22

Treatment expenses, § 9:4

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Generally, § 1:21

OCCUPATIONAL THERAPISTS

Medical expenses, § 20:13

OFFICE OF THE COMMISSIONER OF INSURANCE (OCI)

Compensation Rating Bureau, § 6:3

OFFICERS

Employment status of corporate, § 7:17

OFFSETS

Generally, § 24:1 to 24:18

Child support payments, § 24:6

Crime victims compensation, § 24:16

Disability benefits, public employee, § 24:15

Disability policies, § 24:13

Employment, post-injury, § 24:9

Group health insurance, § 24:8

Health insurance, employer group, § 24:8

Medicaid, § 24:5

Medicare, § 24:17

Overpayments, § 24:2

Pensions, § 24:14

Public assistance payments, § 24:5

Public employee disability benefits, § 24:15

Reductions

other benefits, § 24:11 to 24:16

workers' compensation benefits, § 24:3 to 24:9

Sick leave, § 24:7

Social Security Disability, § 24:4

Social Security Reverse Offset Worksheet, App. B-21

Temporary disability, § 15:6

Third party claims, § 24:18

Unemployment Compensation, § 24:12

Veterans disability, § 24:10

OPTOMETRISTS

Medical expenses, § 20:10

ORDERS

Amendments, § 26:45

INDEX

ORDERS-Cont'd

Final, § 26:43

Interlocutory orders, § 26:44

ORTHOPEDIC DISABILITY

Occupational diseases, § 9:14

OSHA

Generally, § 1:21

OUT OF STATE TREATMENT

Limitations, § 20:15

OVERPAYMENTS

Offsets, § 24:2

OVERTIME TRIP

Injuries during, § 11:21

PAIN AND SUFFERING

Torts, § 1:11

PARKING LOTS

Injuries during, § 11:7

PARTIAL DISABILITY

Death benefits, § 21:4

Temporary disability, § 15:5

PARTNERS

Employment status, § 7:18

PART-TIME EMPLOYMENT

Employment status, § 7:14

Injuries after April 10, 2022, § 14:7

Injuries before April 10, 2022, § 14:6

PART-TIME STUDY

Defenses by employer, vocational rehabilitation, § 18:12

PATIENTS

Medical record authorization and physician-patient privilege, § 26:40, § 26:41

PAY

Earnings, this index

PAYMENTS

Award payments, Second Injury Fund, § 22:8

Collection of pay, injuries during, § 11:25

Department Policy regarding payment of awards, App. B-36

Division of Vocational Rehabilitation (DVR), § 18:3

Failure to pay penalties, § 25:21

Penalties, delays, § 25:20, § 25:21

Private rehabilitation programs, § 18:18

Requirements, § 26:2

PAYMENTS—Cont'd

Settlements, § 28:7

Third party claims, § 13:10

PENALTIES

Generally, § 25:1 to 25:39

Bad faith denial, § 25:17 to § 25:19

Calculation of, § 25:30 to 25:35

Children, illegal employment of, § 25:39

Compromise, effect of prior, § 25:35

Federal law preemption, § 25:38

Hearings, effect of prior, § 25:35

Payments, delays, § 25:20

Payments, failure to make, § 25:21

Refusal to Rehire, this index

Safety violations, employee, § 25:15, § 25:16

Safety violations, employer, § 25:2 to 25:14

Unemployment decision, effect of prior, § 25:36

PENSIONS

Offsets, § 24:14

PERMANENT DISABILITY

Generally, § 16:1 to 16:23

Actual wage loss, § 16:22

Advancement on, § 26:5

Burden of proof, permanent total disability, § 17:7

Calculating permanent total disability, § 17:10

Computations, § 16:6 to 16:10

Death benefits, permanent total disability, § 21:3

Defenses by employer, permanent total disability, § 17:8

Earning capacity, loss of, § 16:13, § 16:15, § 16:23

Eight-five percent rule, § 16:17

Experts, vocational, § 16:14

Five percent functional variance rule, § 16:20

Functional loss, § 16:13

Job offers, § 16:18

Non-scheduled Injuries, this index

"Odd lot" doctrine, permanent total disability, § 17:4 to 17:9

Permanent total disability

generally, § 17:1 to 17:12

burden of proof, § 17:7

calculating, § 17:10

death benefits, § 21:3

defenses by employer, § 17:8

non-schedule, § 17:3

"odd lot" doctrine, § 17:4 to 17:9

rebuttals, § 17:8

schedule, § 17:2

PERMANENT DISABILITY—Cont'd

Permanent total disability—Cont'd

Second Injury Fund, § 22:7

Social Security Disability integration, § 17:11

supplemental benefits, state fund, § 17:11

Post-traumatic mental injury, § 10:5

Pre-existing disability

apportionment, § 16:11

deduction for, § 16:11

loss of earning capacity and, § 16:23

Ratings, § 16:6 to 16:10

Rebuttals, permanent total disability, § 17:8

Retirement, § 16:19

Scheduled Injuries, this index

Second Injury Fund, permanent total disability, § 22:7

Social Security Disability integration, permanent total disability, § 17:11

Supplemental benefits, state fund, permanent total disability, § 17:11

Total disability. Permanent total disability, above

Vocational testimony, § 16:16

PERSONAL COMFORT

Course of employment, § 11:14

PERSONAL ERRANDS

Course of employment, § 11:14

PETITION FOR REVIEW

Form, **App. B-13**

PETITIONS

Administrative review, § 27:2

Supreme Court, § 27:2

PHYSICAL THERAPISTS

Medical expenses, § 20:12

PHYSICIAN ASSISTANTS

Medical expenses, § 20:12

PHYSICIANS

Choice of, § 20:6

Dentists, § 20:11

Medical record authorization and physician-patient privilege, § 26:40, § 26:41

PHYSICIAN'S REPORT ON EYE INJURIES

Form, App. B-10

POSITIONAL RISK DOCTRINE

Arising out of employment, § 12:3

POST TO TRAUMATIC MENTAL INJURY

Generally, § 10:2 to 10:5

POST-INJURY

Cessation of benefits, § 15:12

POSTPONEMENTS

Claims, § 26:27

POST-TRAUMATIC STRESS DISORDER

Diagnostic criteria, § 10:3

"POTENTIAL WAGE LOSS"

Disfigurement, § 19:4

PRACTITIONERS

Choice of, § 20:6 Medical expenses, § 20:6 to 20:13 Mental health, § 20:9 Types, § 20:8

PRACTITIONER'S REPORT ON ACCIDENT OR INDUSTRIAL DISEASE IN LIEU OF TESTIMONY

Form, App. B-9

PRECEDENTS

Labor and Industry Review Commission rulings, § 2:10

PRECLUSION

Claims, § 26:48

PRE-EXISTING CONDITION

Accident causation by aggravation of, § 8:4 DWD Memorandum, App. B-35

PRE-EXISTING DISABILITY

Apportionment, § 16:11 Loss of earning capacity and, § 16:23 Permanent disability benefits, § 16:11

PREHEARING

Claim conferences, § 26:13

PRE-HEARING AND HEARING APPEARANCE PERMIT APPLICATION

Form, **App. B-15**

PRESCRIPTION DRUGS

Medical expenses, § 20:36

PRESUMPTION OF MAXIMUM EARNINGS

Benefits, calculation of, § 14:8

PRICING

Compensation Rating Bureau, § 6:5 to § 6:7

PRISONERS

Benefits, calculation of, § 14:10 Employment status, § 7:12

INDEX

"PROBABLE WAGE LOSS"

Disfigurement, § 19:5

PROCEDURES

Claims, this index

PROOF

Burden of Proof, this index

PROSPECTIVE ORDERS

Division of Vocational Rehabilitation (DVR), § 18:4

PROSTHESIS

Damage to existing, § 20:21

PROTECTIVE BENEFITS

Employment status, § 7:10

PROTOCOL

Hearings, § 26:32

PUBLIC ASSISTANCE

Offsets, § 24:5

PUBLIC EMPLOYEES

Disability benefit offsets, § 24:15

Employment status, § 7:8

PULMONARY CONDITIONS

Occupational diseases, § 9:20

RATINGS

Disability rating guidelines, § 16:10 Permanent disability, § 16:6 to 16:10

READINESS

Certificate of Readiness, App. B-29

Certification, department letter, App. B-48

REASONABLE CAUSE

Refusal to rehire, § 25:27

REASONABLENESS OF FEE DISPUTE RESOLUTION REQUEST

Form, **App. B-28**

REBUTTALS

Permanent total disability, "odd lot" doctrine, § 17:8

RECREATIONAL ACTIVITIES

Course of employment, § 11:10

REFUSAL TO REHIRE

Generally, § 25:22 to 25:28

Employee status, § 25:24

Injury, compensable, § 25:25

Medical reports, reliance on, § 25:29

REFUSAL TO REHIRE—Cont'd

Penalties, calculation of, § 25:30 to 25:35

Reasonable cause, § 25:27

Termination, § 25:26

REHABILITATION

Private rehabilitation counselor fees, App. B-43

REHIRES

Refusal to Rehire, this index

REIMBURSEMENT

Group carrier, § 20:5

RE-INJURY

Arising out of employment, § 12:7

REMEDIES

Torts, election of, § 1:15

REMODELING

Home, § 20:22

RENEWALS

Temporary disability, § 15:17

REPORTS

Claim reporting, § 26:2

Employer's First Report of Injury or Disease, App. B-5

Medical, § 26:4, § 26:22, § 26:38

Practitioner's Report on Accident or Industrial Disease in Lieu of Testimony,

App. B-9

Vocational, § 26:21, § 26:38

RESCUE

Injuries in the course of employment, § 11:24

RETIREMENT

Permanent disability, § 16:19

REVIEWS

Appeals, this index

RISK

Positional risk doctrine, § 12:3

RULES OF EVIDENCE

Claims, § 26:34

SAFETY OFFICERS

Death benefits, § 21:13

SAFETY VIOLATIONS

Burden of proof, § 25:7

Causation, § 25:6

SAFETY VIOLATIONS—Cont'd

Compromise, § 25:14 Defenses, § 25:8 to 25:12

Employee, penalties for, § 25:15, § 25:16

Employee misconduct, § 25:8

Employer, § 25:2 to 25:14

Hearings, § 25:13

Investigation of agency, § 25:3

Misconduct, safety, § 25:8

Notice, § 25:5

Penalties, this index

Proof, burden of, § 25:7

SCHEDULED INJURIES

Generally, § 16:2

Definition, § 16:3

Injury causing disability, § 16:12

Location of disability controls, § 16:5

Permanent total disability, § 17:2

Rating for permanent disability, § 16:8

Social Security Disability, § 1:18

SCHOOL WORK TRAINING

Employment status, § 7:6

SCHOOLS

Employees, calculation of benefits, § 14:11

SEASONAL WORK

Benefits, calculation of, § 14:5

SECOND INJURY FUND

Generally, § 22:1 to 22:9

Carrier liability, § 22:3

Death claims, § 22:6

Defenses, § 22:5

Liability of, § 22:4

Payments of awards, § 22:8

Permanent total disability, § 22:7

Settlements, § 22:9

Source of funding, § 22:2

SELF-INFLICTED INJURIES

Arising out of employment, § 12:5

SELF-INSURED STATUS

Requirements of coverage, § 4:2

SERVICE OF PROCESS

Admission to Service and Answer to Application, App. B-12

SETTLEMENTS

Generally, § 28:1 to 28:11

Alternative dispute resolution, § 28:11

Bankruptcy concerns, § 28:9

Compromise agreement, § 28:3, App. B-19

Insurers, non-industrial, § 28:8

Limited, § 28:4

Medicare concerns, § 28:10

Non-industrial insurers, § 28:8

Payments, § 28:7

Prior compromise, effect on penalties, § 25:35

Re-opening, § 28:6

Review, § 28:5

Safety violations, § 25:14

Second Injury Fund, § 22:9

Stipulation, § 28:2

Third-party claims, § 13:11

SICK LEAVE

Offsets, § 24:7

SKIN DISEASES

Occupational diseases, § 9:16

SMOKING

Cancer, § 9:22

SOCIAL SECURITY AUTHORIZATION

Department letter regarding, App. B-45

SOCIAL SECURITY DISABILITY

Comparison to, § 1:16 to 1:19

Offsets, § 24:4

Permanent total disability, integration with, § 17:12

SOCIAL SECURITY INFORMATION REQUEST

Form, App. B-22

SOCIAL SECURITY REVERSE OFFSET WORKSHEET

Form, **App. B-21**

SOCIAL SYSTEMS

Social Security Disability, § 1:19 Torts, § 1:9

SOLE PROPRIETORS

Employment status, § 7:18

SPENCER RULE

Treatment expense disputes, § 20:30

SPINE INJURIES

Departmental Memorandum regarding PPD for Cervical Spine Surgeries, **App. B-33**

STATE EMPLOYEES

Employment status, § 7:8, § 7:9

STATES

Coverage by, § 3:2

STIPULATION

Form, **App. B-20** Settlements, § **28:2**

STRESS

Physical conditions aggravated by, § 10:7

SUBCONTRACTORS

Uninsured, contractor's duty to, § 7:7

SUBPOENAS

Claims, § 26:31 Form, **App. B-11**

SUBSTITUTION

Judges, § 26:28

SUCCESSIVE ACCIDENTS

Apportionment liability for, § 8:10

SUCCESSIVE AWARDS

Conflict of laws, § 2:13

SUICIDE

Arising out of employment, § 12:5

SUPPLEMENTAL BENEFITS

Permanent total disability, § 17:11

SUPPLEMENTARY REQUEST OF ACCIDENTS AND INDUSTRIAL DISEASE

Form, App. B-6

SUPPORT

Child support offsets, § 24:6

SUPREME COURT

Appeals, § 27:13

SURVEILLANCE

Claims, § 26:36

DWD Memorandum, App. B-34

SURVIVORS

Death Benefits, this index

TEETH

Damage to existing artificial, § 20:21

TEMPORARY DISABILITY

Generally, § 15:1 to 15:17

Cessation of benefits, § 15:11 to § 15:17

Healing period, § 15:7 to § 15:10

Mental disability healing period, § 15:9

Offset, § 15:6

Partial disability, § 15:5

Renewal, § 15:17

Temporary Partial Disability — Calculation Worksheet, App. B-24

Total disability, § 15:3

Types of benefits, § 15:1

Wages, loss of, § 15:3

Waiting periods, § 15:4

TEMPORARY HELP AGENCIES

Coverage by, § 3:6

TERMINATION

Penalties, § 25:26

THIRD PARTY CLAIMS

Generally, § 13:9 to 13:11

Limitations, § 23:5

Offsets, § 24:18

Third Party Proceeds Distribution Agreement, App. B-18

TIE-BREAKERS

Decisions, § 26:46

TIME AND DATE

Claims, § 26:19

Date of death issues, § 21:6

Date of injury issues, § 21:6

Duration requirement, occupational diseases, § 9:9

Injury, occupational diseases, § 9:3

TORTS

Generally, § 1:8 to 1:15

Future wage loss, § 1:10

Insurance requirements, § 1:14

Pain and suffering, § 1:11

Remedies, election of, § 1:15

Social system, § 1:9

Tribunal, quasi-judicial, § 1:13

TOTAL DISABILITY

Permanent Disability, this index

Temporary total disability, § 15:3

TRANSFERS

Compensation hearings, department letter, App. B-46

TRAUMA

Barred claims, § 23:4

Medical expenses, length of liability, § 20:4

TRAUMATIC HEARING LOSS

Injury, § 8:8

TRAVEL

Course of employment, § 11:19

Medical expenses, for treatment, § 20:18

Modifications to vehicles, compensation for, § 20:22

Pleasure, § 11:22

TREATMENT EXPENSES

Medical Expenses, this index

TRIBAL LAW

Native American gaming casinos, § 3:13

TRIBUNALS

Quasi-judicial, torts, § 1:13

TRUCKERS

Employment status, § 7:16

UNDOCUMENTED WORKERS

Defenses by employer, § 15:14

Employment status, § 7:19

UNEMPLOYMENT COMPENSATION

Offsets, § 24:12

UNEMPLOYMENT INSURANCE

Medical Report to Determine Unemployment Insurance Eligibility, App. B-32

UNINSURED EMPLOYERS' FUND

Generally, § 5:1 to 5:3

Administration, § 5:3

Claims procedure, § 5:2

UNREPORTED WAGES

Benefits, calculation of, § 14:4

VANS

Modifications to, § 20:22

VEHICLES

Modifications to, § 20:22

VENUE

Claims, § 26:9

VETERANS DISABILITY

Offsets, § 24:10

VIRUSES

Injuries, generally, § 8:9

VOCATIONAL REHABILITATION

Generally, § 18:1 to 18:19

Defenses by Employer, this index

Division of Vocational Rehabilitation (DVR), § 18:2 to 18:15, App. B-38

Eligibility for private, § 18:17

Employment, suitable, § 18:17

Expert testimony, § 16:14, § 16:16

Non-scheduled injuries, permanent disability, § 16:21

Payment, private programs, § 18:18

Private programs, § 18:16 to 18:18

VOCATIONAL REPORTS

Adverse, § 26:15

Claims, § 26:38

VOLUNTARY AND INFORMED CONSENT FOR DISCLOSURE OF HEALTH CARE INFORMATION

Form, App. B-27

VOLUNTEERS

Employment status, § 7:4

Firefighters, calculation of benefits, § 14:9

WAGE INFORMATION SUPPLEMENT

Form, App. B-7

WAGES

Earnings, this index

WAGNER-BUTLER

Skin disease, § 9:16

WAITING PERIODS

Temporary disability, § 15:4

WEEKLY WAGE

Average, § 14:1

WELFARE

Offsets, § 24:5

WELLNESS PROGRAMS

Course of employment, § 11:11

WISCONSIN ADMINISTRATIVE CODE

Chapter DWD 80, App. A-4

Chapter DWD 81, App. A-5

Chapter HA 4, App. A-7

INDEX

WISCONSIN ADMINISTRATIVE CODE—Cont'd

Chapters DWD LIRC 1 and LIRC 3, **App. A-6**Rating guidelines, § **16:10**Refinements, § **2:7**Treatment guidelines, § **20:33**

WISCONSIN INSURANCE SECURITY FUND

Requirements of coverage, § 4:3

WISCONSIN LAWS

Generally, App. A-3

WISCONSIN WORKERS' COMPENSATION ACT

Generally, App. A-1, App. A-2

WITHDRAWAL

From coverage, § 4:5

WORK INJURY BENEFIT FUND BARRED CLAIM

Generally, App. B-49

WORKER'S COMPENSATION ADVISORY COUNCIL

Generally, § 2:8

WORKER'S COMPENSATION DIVISION

Organization, § 2:14

WORKER'S COMPENSATION SYSTEMS

Overview, § 1:1 to 1:24

WORKMEN'S COMPENSATION ACT OF 1911

Development of, § 2:3

YOUTHFUL WORKERS

Benefits, calculation of, § 14:8