

Workers' compensation penalties accessed by compliance

Violations	Statutes violated	Applicable rules	Assessment statutes	Paid to	Formula and dollar amount															
Late First Report of Injury form Against ER or IR	176.231 s1 & 2	5220.2820	176.231 s10	ARSA	Based on number of violations in past 12 months prior to assessment 1st = warning 2nd = \$125 3rd = \$250 4th = \$375 5th+ = \$500															
Late first-payment of benefits Against IR or self-insured ER	176.221 s1	5220.2770	176.221 s3	ARSA	Based on number of days late, percent of amount dues, subject to maximums <table border="1" style="width: 100%; border-collapse: collapse; margin-bottom: 10px;"> <thead> <tr> <th style="text-align: center;">Days late</th> <th style="text-align: center;">% or \$ due</th> <th style="text-align: center;">Maximum</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1-15</td> <td style="text-align: center;">30%</td> <td style="text-align: center;">\$500</td> </tr> <tr> <td style="text-align: center;">16-30</td> <td style="text-align: center;">55%</td> <td style="text-align: center;">\$1,500</td> </tr> <tr> <td style="text-align: center;">31-60</td> <td style="text-align: center;">80%</td> <td style="text-align: center;">\$3,500</td> </tr> <tr> <td style="text-align: center;">61+</td> <td style="text-align: center;">150%</td> <td style="text-align: center;">\$5,000</td> </tr> </tbody> </table> & 25% of amount found to be delayed	Days late	% or \$ due	Maximum	1-15	30%	\$500	16-30	55%	\$1,500	31-60	80%	\$3,500	61+	150%	\$5,000
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Late denial of liability Against IR or self-insured ER	176.221 s1	5220.2770	176.221 s3a	ARSA	Based on number of days late Days late/\$ penalty 1-15 = \$250 16-30 = \$500 31-60 = \$1,000 61 + = \$2,000															
Frivolous denial of liability Against IR or self-insured ER	176.221 s1	5220.2570 5220.2770 5220.2540	176.221 s3a	ARSA	Based on number of violations in past two-year period prior to the assessment Violations/\$ penalty 1-5 = \$1,000 6 + = \$2,000 & Up to 30 percent of amount found to be delayed This penalty may be assessed in addition to penalties for late or nonspecific denial.															
Nonspecific NOID or denial of liability Against IE or self-insured ER	176.84 s1	5220.2570	176.84 s2	ARSA	Based on set dollar amount \$500 This penalty may be issued in addition to penalties for late or frivolous denial.															

<p>Prohibited practices</p> <p>Against IR, self-insured ER, TPA or adjuster</p>	<p>176.194 s3</p>	<p>None</p>	<p>176.194 s4</p>	<p>ARSA</p>	<p><i>Based on number of violations in past 12 months</i></p> <table border="1" data-bbox="1467 167 1990 436"> <thead> <tr> <th colspan="3">Violations of:</th> </tr> <tr> <th>Violation</th> <th>Sub. 3 (1-6 & 9)</th> <th>Sub. 3 (7-8)</th> </tr> </thead> <tbody> <tr> <td>1-5</td> <td>Warning</td> <td>\$3,000 each</td> </tr> <tr> <td>6-10</td> <td>\$3,000 each</td> <td>\$6,000 each</td> </tr> <tr> <td>11-30</td> <td>\$6,000 each</td> <td>\$6,000 each</td> </tr> <tr> <td>31+</td> <td colspan="2">\$6,000 each for sub. 3 (1-9); in addition, may refer to Department of Commerce for license review</td> </tr> </tbody> </table>	Violations of:			Violation	Sub. 3 (1-6 & 9)	Sub. 3 (7-8)	1-5	Warning	\$3,000 each	6-10	\$3,000 each	\$6,000 each	11-30	\$6,000 each	\$6,000 each	31+	\$6,000 each for sub. 3 (1-9); in addition, may refer to Department of Commerce for license review	
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<p>Late or improper payment of permanent partial disability</p> <p>Against IR or self-insured ER</p>	<p>176.021 s3/3a &/or 176.221 s6a &/or 176.221 s7</p>	<p>5220.2750 & 5220.2790 or 5220.2760</p>	<p>176.221 s3 & 176.225 s5 = fail to pay or 176.221 s 1 = late pay</p>	<p>ARSA & EE or EE</p>	<p><i>Based on number of days late, percent of amount due, subject to maximums</i></p> <table border="1" data-bbox="1467 545 1990 727"> <thead> <tr> <th>Days late</th> <th>% of \$ due</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>1-15</td> <td>30%</td> <td>\$500</td> </tr> <tr> <td>16-30</td> <td>55%</td> <td>\$1,500</td> </tr> <tr> <td>31-60</td> <td>80%</td> <td>\$3,500</td> </tr> <tr> <td>61 +</td> <td>105%</td> <td>\$5,000</td> </tr> </tbody> </table> <p>& 25 percent of amount found to be delayed or Days late/percent of \$ due 1-5 = 6% 6-15 = 12% 16-30 = 18% 31-60 = 24% 61 + = 30%</p>	Days late	% of \$ due	Maximum	1-15	30%	\$500	16-30	55%	\$1,500	31-60	80%	\$3,500	61 +	105%	\$5,000			
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<p>Late payment of order or award</p> <p>Against IR or self-insured ER</p>	<p>176.221 s8</p>	<p>5220.2780</p> <p style="text-align: center;">&</p> <p style="text-align: center;">5220.2760</p>	<p>176.221 s3</p> <p style="text-align: center;">or</p> <p>176.221 s3a (used when \$ amount owed isn't clear)</p> <p style="text-align: center;">&</p> <p style="text-align: center;">176.225 s1</p>	<p>ARSA</p> <p style="text-align: center;">&</p> <p style="text-align: center;">EE</p>	<p><i>Based on number of days late, percent of amount due, subject to maximums or based on set amount</i></p> <table border="1" data-bbox="1472 224 1990 407"> <thead> <tr> <th>Days late</th> <th>% of \$ due</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>1-15</td> <td>30%</td> <td>\$500</td> </tr> <tr> <td>16-30</td> <td>55%</td> <td>\$1,500</td> </tr> <tr> <td>31-60</td> <td>80%</td> <td>\$3,500</td> </tr> <tr> <td>61 +</td> <td>105%</td> <td>\$5,000</td> </tr> </tbody> </table> <p>or</p> <p>Days late/\$ penalty</p> <p>1-15 = \$500 16-30 = \$1,000 31-60 = \$1,500 61 + = \$2,000</p> <p>&</p> <p>Days late/percent of \$ due</p> <p>1-5 = 6% 6-15 = 12% 16-30 = 18% 31-60 = 24% 61 + = 30%</p>	Days late	% of \$ due	Maximum	1-15	30%	\$500	16-30	55%	\$1,500	31-60	80%	\$3,500	61 +	105%	\$5,000
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<p>Improper discontinuance of benefits</p> <p>Against IR or self-insured ER</p>	<p>176.238 or 176.239</p>	<p>5220.2720</p> <p>&</p> <p>5220.2760</p>	<p>176.238 s10 = if \$ amount owed is unclear</p> <p>or</p> <p>176.221 s3 = if \$ amount owed is clear</p> <p>&</p> <p>176.225 s1 = only if additional benefits clearly due</p>	<p>ARSA</p> <p>or</p> <p>ARSA</p> <p>&</p> <p>EE</p>	<p><i>Based on number of violations in past year and days late 176.238 s 10 = first violation in one year = warning</i></p> <p>If not corrected in 10 days from warning, apply following: 11-20 days late = \$200 21-30 days late = \$600 31-60 days late = \$800 61 + days late = \$1,000</p> <p>Second + violation in a year, then the following applies: 1-10 days late = \$400 11-20 days late = \$600 21-3- days late = \$800 31 + days late = \$1,000</p> <p>or</p> <table border="1" data-bbox="1465 651 1990 834"> <thead> <tr> <th>Days late</th> <th>% of \$ due</th> <th>Maximum</th> </tr> </thead> <tbody> <tr> <td>1-15</td> <td>30%</td> <td>\$500</td> </tr> <tr> <td>16-30</td> <td>55%</td> <td>\$1,500</td> </tr> <tr> <td>31-60</td> <td>80%</td> <td>\$3,500</td> </tr> <tr> <td>61 +</td> <td>105%</td> <td>\$5,000</td> </tr> </tbody> </table> <p>&</p> <p>Days late/percent of \$ due 1-5 = 6% 6-15 = 12% 16-30 = 18% 31-60 = 24% 61 + = 30%</p>	Days late	% of \$ due	Maximum	1-15	30%	\$500	16-30	55%	\$1,500	31-60	80%	\$3,500	61 +	105%	\$5,000
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<p>Late payment of ongoing benefits</p> <p>Against IR or self-insured ER</p>	<p>176.221 s1</p>	<p>None set</p> <p>&</p> <p>5220.2760</p> <p>or</p> <p>5220.2790</p>	<p>176.221 s3a</p> <p>&</p> <p>176.225 s1 = based on length of delay</p> <p>or</p> <p>176.225 s5</p>	<p>ARSA</p> <p>&</p> <p>EE</p> <p>or</p> <p>EE</p>	<p><i>Based on number of days late, percent of amount due, subject to maximum</i></p> <p>Up to \$2,000 (no set rules)</p> <p>&</p> <p>Days late/percent of \$ due 1-5 = 6% 6-15 = 12% 16-30 = 18% 31-60 = 24% 61 + = 30%</p> <p>or</p> <p>25 percent of amount found to be delayed</p>															

Failure to notify EE of time limit to request retraining Against IR or self-insured ER	176.102 s11	None	176.102 s11	ARSA	<i>Based on number of days late</i> \$25 a day, up to \$2,000 maximum Note: Applies only to dates of injury Oct. 1, 1995 or later.
Late payment or denial of medical bills Against IR or self-insured ER	176.135 & 176.221 s6a	5220.2740	176.221 s3a	ARSA	<i>Based on number of days late, set amount</i> Days late/\$ penalty 1-15 = \$500 16-30 = \$1,000 31-60 = \$1,500 61 + = \$2,000
Failure to release existing medical data Any party to a claim that is holding existing medical data relating to the claim	176.138	5220.2810	176.138	ARSA	<i>Based on number of days late</i> > 7 days without response = \$300 > 30 days without response = \$450 > 60 days without response = \$600
Refusal to file or failure to file required reports other than FROI in a timely manner Against IR, self-insured ER, TPA or HCP	176.231 s3, 4, 6, 7, 10	5220.2830	176.231 s10	ARSA	<i>Based on number of days late</i> Not filed within 21 days of written request = \$125 Not filed after second request = \$375 Subsequent failure to file = \$500 or Not filed within 30 days of due date = \$125 Not filed within 90 days of due date = \$375 Not filed within 180 days of due date = \$500
Late payment of rehabilitation Against IR or self-insured ER	176.102 s9, 11 & 176.221 s6a	5220.1900 s19? None?	176.221 s 3 or 3a?	ARSA	<i>No clear rules regarding penalties</i> Note: Rules pending