

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: 5px;"> <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 |
| Days late | % or \$ due | Maximum | | | | | | | | | | | | | | | | | | |
| 1-15 | 30% | \$500 | | | | | | | | | | | | | | | | | | |
| 16-30 | 55% | \$1,500 | | | | | | | | | | | | | | | | | | |
| 31-60 | 80% | \$3,500 | | | | | | | | | | | | | | | | | | |
| 61+ | 150% | \$5,000 | | | | | | | | | | | | | | | | | | |
| 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 | |
|---|--|---|--|--|---|----------------|-------------|---------|-----------|------------------|--------------|-------|---------|--------------|-------|--------------|--------------|-------|--------------|--------------|-----|--|--|
| 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 | | | | | | | | | | | | | | | | | | | | | | |
| <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 | | | |
| Days late | % of \$ due | Maximum | | | | | | | | | | | | | | | | | | | | | |
| 1-15 | 30% | \$500 | | | | | | | | | | | | | | | | | | | | | |
| 16-30 | 55% | \$1,500 | | | | | | | | | | | | | | | | | | | | | |
| 31-60 | 80% | \$3,500 | | | | | | | | | | | | | | | | | | | | | |
| 61 + | 105% | \$5,000 | | | | | | | | | | | | | | | | | | | | | |

| <p>Late payment of order or award</p> <p>Against IR or self-insured ER</p> | 176.221 s8 | 5220.2780 | <p>176.221 s3</p> <p>or</p> <p>176.221 s3a (used when \$ amount owed isn't clear)</p> | <p>ARSA</p> <p>&</p> <p>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 |
|---|-------------|--------------------------------------|--|---|--|-----------|-------------|---------|------|-----|-------|-------|-----|---------|-------|-----|---------|------|------|---------|
| Days late | % of \$ due | Maximum | | | | | | | | | | | | | | | | | | |
| 1-15 | 30% | \$500 | | | | | | | | | | | | | | | | | | |
| 16-30 | 55% | \$1,500 | | | | | | | | | | | | | | | | | | |
| 31-60 | 80% | \$3,500 | | | | | | | | | | | | | | | | | | |
| 61 + | 105% | \$5,000 | | | | | | | | | | | | | | | | | | |
| | | <p>&</p> <p>5220.2760</p> | <p>&</p> <p>176.225 s1</p> | | | | | | | | | | | | | | | | | |

| <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>& 5220.2760</p> | <p>176.238 s10 = if \$ amount owed is unclear</p> <p>or 176.221 s3 = if \$ amount owed is clear</p> <p>& 176.225 s1 = only if additional benefits clearly due</p> | <p>ARSA</p> <p>or ARSA</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 836"> <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>& 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 |
|--|-----------------------------------|--|---|--|---|-----------|-------------|---------|------|-----|-------|-------|-----|---------|-------|-----|---------|------|------|---------|
| Days late | % of \$ due | Maximum | | | | | | | | | | | | | | | | | | |
| 1-15 | 30% | \$500 | | | | | | | | | | | | | | | | | | |
| 16-30 | 55% | \$1,500 | | | | | | | | | | | | | | | | | | |
| 31-60 | 80% | \$3,500 | | | | | | | | | | | | | | | | | | |
| 61 + | 105% | \$5,000 | | | | | | | | | | | | | | | | | | |
| <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>& 5220.2760</p> <p>or 5220.2790</p> | <p>176.221 s3a</p> <p>& 176.225 s1 = based on length of delay</p> <p>or 176.225 s5</p> | <p>ARSA</p> <p>& EE</p> <p>or 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>& Days late/percent of \$ due 1-5 = 6% 6-15 = 12% 16-30 = 18% 31-60 = 24% 61 + = 30%</p> <p>or 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 |