



State of Wisconsin

Department of Industry, Labor and Human Relations

WORKER'S COMPENSATION DIVISION

201 East Washington Avenue
P. O. Box 7901
Madison, Wisconsin 53707
Madison: (608) 266-1340
Milwaukee: (414) 227-4382

August 27, 1996

Mailed to:

ATTORNEY MARK P MCGILLIS
SCHOONE FORTUNE LEUCK
KELLEY & PITTS SC
P O BOX 97
RACINE WI 53401-0097

RECEIVED

AUG 29 1996

SCHOONE, FORTUNE,
LEUCK, KELLEY &
PITTS, S.C.

WC CLAIM NO: 94020349
INJURY DATE: 03/10/94
EMPLOYEE: ████████████████████
EMPLOYER: RIVER HILLS SOUTH HEALTH
INSURER NO: 021077729

IF YOU CALL OR WRITE US
PLEASE USE WC CLAIM NO.

Dear Attorney McGillis:

Your letter of July 30, 1996, regarding payment for the final medical report by the treating physician was recently brought to my attention. I appreciate the opportunity to reply to you.

A worker's compensation insurance carrier or self-insured employer is responsible for providing a practitioners report to the Worker's Compensation Division in cases where temporary disability exceeds three weeks or if permanent disability has resulted from the injury pursuant to Ind 80.02(2)(e) of the Wisconsin Administrative Code. This is an integral part of the Divisions claims monitoring process. It is necessary for the insurance carrier or self-insured employer to pay the practitioners fees for providing the report to satisfy the requirements of our administrative rule.

In this case temporary total disability was paid from March 10, 1994, to March 28, 1994 and from November 16, 1994, to January 1, 1995, for a total of eight weeks and five days. In situations such as this the treating practitioner's report is necessary for the insurance carrier to comply with Ind 80.02(2)(e), and does not constitute an assessment of permanent disability for litigation purposes. Under these circumstances, the insurance carrier is responsible for payment of the treating practitioners fees for preparation of the final medical report as required by Ind 80.02(2)(e).

Sincerely,

James T. O'Malley
Administrative Law Judge

JTO:dlm

cc: (For informational purposes only)
ATTORNEY MICHAEL C FROHMAN, KASDORF LEWIS & SWIETLIK S C, P O BOX 44200,
MILWAUKEE WI 53214-7200