

## Workers' compensation penalties accessed by compliance

Violations	Statutes violated	Applicable rules	Assessment statutes	Paid to	Formula and dollar amount															
<b>Late First Report of Injury form</b>  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															
<b>Late first-payment of benefits</b>  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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<b>Late denial of liability</b>  Against IR or self-insured ER	176.221 s1	5220.2770	176.221 s3a	ARSA	Based on number of days late  <b>Days late/\$ penalty</b> 1-15 = \$250 16-30 = \$500 31-60 = \$1,000 61 + = \$2,000															
<b>Frivolous denial of liability</b>  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  <b>Violations/\$ penalty</b> 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.															
<b>Nonspecific NOID or denial of liability</b>  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><b>Prohibited practices</b></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="1465 165 1992 435"> <thead> <tr> <th colspan="3">Violations of:</th> </tr> <tr> <th>Violation</th> <th>Sub. 3 (1-6 &amp; 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><b>Late or improper payment of permanent partial disability</b></p> <p>Against IR or self-insured ER</p>	<p>176.021 s3/3a <b>&amp;/or</b> 176.221 s6a  <b>&amp;/or</b> 176.221 s7</p>	<p>5220.2750     <b>&amp;</b> 5220.2790  <b>or</b> 5220.2760</p>	<p>176.221 s3     <b>&amp;</b> 176.225 s5 = fail to pay  <b>or</b> 176.221 s 1 = late pay</p>	<p>ARSA     <b>&amp;</b> EE  <b>or</b> EE</p>	<p><i>Based on number of days late, percent of amount due, subject to maximums</i></p> <table border="1" data-bbox="1465 545 1992 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><b>&amp;</b> 25 percent of amount found to be delayed  <b>or</b> <b>Days late/percent of \$ due</b> 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><b>Late payment of order or award</b></p> <p>Against IR or self-insured ER</p>	176.221 s8	5220.2780	<p>176.221 s3</p> <p><b>or</b></p> <p>176.221 s3a (used when \$ amount owed isn't clear)</p> <p><b>&amp;</b></p> <p>176.225 s1</p>	<p>ARSA</p> <p><b>&amp;</b></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><b>or</b></p> <p><b>Days late/\$ penalty</b></p> <p>1-15 = \$500  16-30 = \$1,000  31-60 = \$1,500  61 + = \$2,000</p> <p><b>&amp;</b></p> <p><b>Days late/percent of \$ due</b></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><b>Improper discontinuance of benefits</b></p> <p>Against IR or self-insured ER</p>	<p>176.238 or 176.239</p>	<p>5220.2720</p> <p><b>&amp;</b> 5220.2760</p>	<p>176.238 s10 = if \$ amount owed is unclear</p> <p><b>or</b> 176.221 s3 = if \$ amount owed is clear</p> <p><b>&amp;</b> 176.225 s1 = only if additional benefits clearly due</p>	<p>ARSA</p> <p><b>or</b> ARSA</p> <p><b>&amp;</b> 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><b>or</b></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><b>&amp;</b> <b>Days late/percent of \$ due</b> 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><b>Late payment of ongoing benefits</b></p> <p>Against IR or self-insured ER</p>	<p>176.221 s1</p>	<p>None set</p> <p><b>&amp;</b> 5220.2760</p> <p><b>or</b> 5220.2790</p>	<p>176.221 s3a</p> <p><b>&amp;</b> 176.225 s1 = based on length of delay</p> <p><b>or</b> 176.225 s5</p>	<p>ARSA</p> <p><b>&amp;</b> EE</p> <p><b>or</b> 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><b>&amp;</b> <b>Days late/percent of \$ due</b> 1-5 = 6% 6-15 = 12% 16-30 = 18% 31-60 = 24% 61 + = 30%</p> <p><b>or</b> 25 percent of amount found to be delayed</p>															

<b>Failure to notify EE of time limit to request retraining</b>  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  <b>Note:</b> Applies only to dates of injury Oct. 1, 1995 or later.
<b>Late payment or denial of medical bills</b>  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>  <b>Days late/\$ penalty</b> 1-15 = \$500 16-30 = \$1,000 31-60 = \$1,500 61 + = \$2,000
<b>Failure to release existing medical data</b>  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
<b>Refusal to file or failure to file required reports other than FROI in a timely manner</b>  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 <b>or</b> 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
<b>Late payment of rehabilitation</b>  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>  <b>Note:</b> Rules pending