

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "C" to S.P. 289, L.D. 881, Bill, "An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments"

Amend the bill by striking out all of section 1 (page 1, lines 3 to 18 in L.D.) and inserting in its place the following:

Sec. 1. 39-A MRSA §312, sub-§1, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

1. Examiner system. The board shall develop and implement an independent medical examiner system consistent with the requirements of this section. As part of this system, the board shall, in the exercise of its discretion, create, maintain and periodically validate a list of not more than 50 health care providers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the board finds most commonly used by injured employees. The board shall establish a fee schedule for services rendered by independent medical examiners and adopt any rules considered necessary to effectuate the purposes of this section.

An independent medical examiner may be removed by a majority vote of the total membership of the board.

Sec. 2. 39-A MRSA §312, sub-§2, as amended by PL 2005, c. 24, §1, is further amended to read:

R. 475

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~~2. Eligibility. An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section.~~ The independent medical examiner in a case may not be the employee's treating health care provider and may not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid. Nothing in this subsection precludes the selection of a provider authorized to receive reimbursement under section 206 to serve in the capacity of an independent medical examiner. ~~Unless agreed upon by the parties,~~ a physician who has examined an employee on more than 10 occasions at the request of an insurance company, employer or employee in accordance with section 207 during the previous 52 weeks is not eligible to serve as an independent medical examiner unless that physician is approved for inclusion on the list created pursuant to subsection 1 by a vote of 2/3 of the total membership of the board.

A physician who does not meet the eligibility requirements of this subsection may serve as an independent medical examiner for a claim if agreed to by the parties to that claim.'

SUMMARY

This amendment disqualifies a physician from serving as an independent medical examiner if the physician has examined any employee more than 10 times during the previous 52 weeks at the request of an insurance company, employer or employee. This disqualification may be waived by a 2/3 vote of the Workers' Compensation Board.

This amendment also authorizes the board to remove an independent medical examiner by a majority vote.

SPONSORED BY: *Arthur F. Mayo Jr*
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