

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
110TH LEGISLATURE  
FIRST REGULAR SESSION

L.D. 512

(Filing No. H-442)

COMMITTEE AMENDMENT "A" to H.P. 462, L.D. 512, Bill,  
"AN ACT to Expedite the Filing of Medical Reports under the  
Workers' Compensation Act."

Amend the Bill by striking out all of that part  
designated "§52-A." and inserting in its place the following:

'§52-A. Medical information

1. Certificate of authorization. Any employee who makes any claim for compensation, ~~←~~ → enters into any agreement for compensation or ~~←~~ → is receiving compensation shall, upon request by the employer, execute a certificate, in a form prescribed by the commission, authorizing the employer to obtain from any physician, osteopath, chiropractor or any other health care provider any information which is or has been obtained in connection with the examination or treatment of the employee and which relates to any injury or disease for which compensation is claimed.

If any employee fails, after request, to execute such a certificate, the employer may petition the commission for the following relief:

A. As to any employee who is making a claim for compensation, an order suspending any action on the employee's claim, without interest under section 72, until the certificate is executed; and

B. As to any employee who is receiving compensation or who has entered into an agreement for the payment of compensation, an order suspending the payment of compensation until the certificate is executed.

2. Duties of health care providers. All information which relates to an injury or disease for which compensation is claimed shall, within 10 days after request by the employer or the employee, be made available to the party making the request. In the case of a request by the employer, the request shall be accompanied by a copy of a certificate of authorization as described in subsection 1. If any physician, osteopath, chiropractor or any other health care provider who has treated or examined an employee fails to provide such information within the time prescribed by this subsection, the commission may order the forfeiture of all or part of the payments due for services rendered in connection with the particular case, subject to a maximum forfeiture of \$200.'

Statement of Fact

This amendment has 4 purposes. First, it requires an employee to provide his employer with an authorization to obtain the medical information and reports necessary to evaluate the employee's claim. Second, it makes it clear that only information which relates to the particular injury for which compensation is claimed is required to be disclosed. This is designed to protect the employee's right to privacy as to other conditions which bear no relationship to the claim. Third, it gives health care providers a more reasonable 10-day

period in which to comply with an employer's or employee's request for information. Finally, it places a reasonable limit, \$200, on the amount of forfeiture which may be imposed by the commission for failure to comply with a request for information.

Reported by the Minority of the Committee on Labor.  
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