

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 512

H. P. 462

House of Representatives, January 29, 1981

Referred to the Committee on Labor. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Expedite the Filing of Medical Reports under the Workers' Compensation Act.

Be it enacted by the People of the State of Maine, as follows:

39 MRSA § 52-A is enacted to read:

§ 52-A. Duties of persons providing medical services

Any person providing medical or other health care services to an injured employee shall comply with all applicable rules and regulations of the commission and make any reports which are required by the commission concerning the condition or treatment of the injured employee or any other matters which are relevant to the particular case. All information and reports which are relevant to an injury or disease for which compensation is claimed shall, within 7 days after demand by the employer, the employee or the commission, be made available to the party making the demand. No information, which is developed or obtained in connection with the examination of or treatment for an injury or disease for which compensation is claimed and which is relevant to an issue of the claimant's physical or mental condition, may be considered a privileged communication. If any person who has provided medical or other health care services to an injured employee fails, without good cause, to provide any relevant information or report within the time prescribed under this section, the commission shall order the forfeiture of his right to all or part of payments

due for services rendered in connection with the particular case and may, in the case of a physician, suspend or remove the physician from the panel of physicians.

STATEMENT OF FACT

This bill is one of the recommendations of the Blaine House Conference on Small Business.

Its purpose is to facilitate the settlement of cases before adversary proceedings are instituted under the Act. In order to promptly determine whether to enter into a compensation agreement, an employer needs access to all relevant medical information. Presently, if an employee is attended by a physician of his own choosing, there are frequently lengthy delays associated with obtaining the necessary information. This bill requires the attending physician to forward the information upon demand by the employer, the employee or the commission.

It also places the physician on notice as to what information he may properly withhold on the grounds of privilege. The rule stated in this section incorporates the same standard which applies in judicial proceedings under the Maine Rules of Evidence.