

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2099

7 H.P. 1487

House of Representatives, February 28, 1986

8 Approved for introduction by a majority of the Legislative Council
9 pursuant to Joint Rule 26.

Reference to the Committee on Labor suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Higgins of Portland.

Cosponsored by Representative Michaud of Medway.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 AN ACT to Require Prompt Payment of Medical
18 Bills Under the Workers' Compensation
19 Act.
20

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

23 Sec. 1. 39 MRSA §51-B, sub-§4, as amended by PL
24 1983, c. 682, §2, is further amended to read:

25 4. Compensation for impairment. Compensation
26 for impairment under sections 56 and 56-A shall not
27 be payable prior to the date on which the injured em-
28 ployee reaches the stage of maximum medical improve-
29 ment. It shall become due and payable within 90 days
30 after the employer has notice that maximum medical
31 improvement has been attained. For the purpose of
32 this subsection, "maximum medical improvement" means
33 the date after which further recovery and further
34 restoration of function can no longer be reasonably
35 anticipated, based upon reasonable medical probabili-
36 ty. ~~Compensation for medical expenses and other ser-~~

1 vices under section 52 is due and payable within 90
2 days from the date a request is made for payment of
3 these expenses-

4 Sec. 2. 39 MRSA §51-B, sub-§4-A is enacted to
5 read:

6 4-A. Compensation for medical expenses. Compensa-
7 tion for medical expenses and other services under
8 section 52 is due and payable within 30 days from the
9 date a request is made for payment of these expenses.

10 Sec. 3. 39 MRSA §51-B, sub-§7, as amended by PL
11 1983, c. 682, §5, is further amended to read:

12 7. Notice of controversy. If the employer, pri-
13 or to making payments under subsection 3, controverts
14 the claim to compensation, he shall file with the
15 commission, within 14 days after an event which gives
16 rise to an obligation to make payments under subsec-
17 tion 3, a notice of controversy in a form prescribed
18 by the commission. If the employer, prior to making
19 payments under subsection 4, controverts the claim to
20 compensation, he shall file with the commission, within
21 90 days after an event which gives rise to an obliga-
22 tion to make payments under subsection 4, a notice
23 of controversy in a form prescribed by the commis-
24 sion. If the employer, prior to making payments
25 under subsection 4-A, controverts the claim to com-
26 ensation, he shall file with the commission, within
27 30 days after an event which gives rise to an obliga-
28 tion to make payments under subsection 4-A, a notice
29 of controversy in a form prescribed by the commis-
30 sion. The notice required under this subsection shall
31 indicate the name of the claimant, name of the em-
32 ployer, date of the alleged injury or death and the
33 grounds upon which the claim to compensation is con-
34 troverted. The employer shall promptly furnish the
35 employee with a copy of the notice.

36 If, at the end of the 14-day period in subsection 3
37 ~~or~~, the 90-day period in subsection 4 or the 30-day
38 period in subsection 4-A, the employer has not filed
39 the notice required by this subsection, he shall be-
40 gin payments as required under those subsections. In
41 the case of compensation for incapacity under subsec-

1 tion 3, he may cease payments and file with the com-
2 mission a notice of controversy, only as provided in
3 this subsection, no later than 44 days after an event
4 which gives rise to an obligation to make payments
5 under subsection 3. Failure to file the required no-
6 tice of controversy prior to the expiration of the
7 44-day period, in the case of compensation under sub-
8 section 3, constitutes acceptance by the employer of
9 the compensability of the injury or death. Failure to
10 file the required notice of controversy prior to the
11 expiration of the 90-day period under subsection 4 or
12 the 30-day period under subsection 4-A constitutes
13 acceptance by the employer of the extent of impair-
14 ment claimed or the reasonableness of the medical
15 services claimed.

16 If, at the end of the 44-day period the employer has
17 not filed a notice of controversy, or if, pursuant to
18 a proceeding before the commission, the employer is
19 required to make payments, the payments may not be
20 decreased or suspended, except as provided in section
21 100.

22 STATEMENT OF FACT

23 This bill changes the time period in which an em-
24 ployer must pay compensation for medical expenses
25 from 90 days to 30 days.

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