

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1972

H.P. 1420

House of Representatives, December 18, 1989

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

Received by the Clerk of the House on December 18, 1989. Referred to the Committee on Labor and 1600 ordered printed pursuant to Joint Rule 14.

Ed Pert

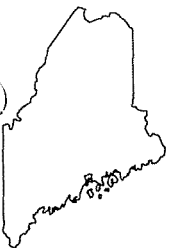
EDWIN H. PERT, Clerk

Presented by Representative PINEAU of Jay.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act to Clarify the Term of Certificates of Authorization under the
Workers' Compensation Act.



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

2
39 MRSA §52-A, sub-§1, as amended by PL 1987, c. 559, Pt. B,
4 §21, is further amended to read:

6 1. **Certificate of authorization.** Any employee who makes
7 any claim for compensation, enters into any agreement for
8 compensation or is receiving compensation shall, upon request by
9 the employer, execute a certificate, in a form prescribed by the
10 commission, authorizing the employer to obtain, after payment of
11 a reasonable fee, from any physician, osteopath, chiropractor or
12 any other health care provider any written information which is
13 or has been obtained in connection with the examination or
14 treatment of the employee and which relates to any injury or
15 disease for which compensation is claimed. A certificate of
16 authorization remains valid and must be honored for as long as
17 the employee continues to make any claim for compensation, the
18 agreement for compensation remains in effect or the employee
19 receives compensation.

20 If any employee fails to execute such a certificate within 20
21 days after receiving a request made by certified mail, return
22 receipt requested:

24 A. As to any employee who is making a claim for
25 compensation, any action on the employee's claim shall be
26 suspended, without interest under section 72, until the
27 certificate is executed; and

30 B. As to any employee who is receiving compensation or who
31 has entered into an agreement for the payment of
32 compensation, payment of compensation shall be suspended
33 until the certificate is executed.

34 The date on a returned receipt of delivery is prima facie
35 evidence of the employee's receipt of the request on that date.
36 The request must contain a notice to the employee that if he
37 fails to execute the certificate within 20 days after receiving
38 the request, any action on his claim for compensation will be
39 suspended or his compensation will be suspended.

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44 **STATEMENT OF FACT**

46 Some certificates of authorization for medical information
47 in workers' compensation are being dishonored as soon as 90 days
48 after their execution. This has created numerous problems for
49 employers and carriers in processing workers' compensation
50 payments and claims and reduces the speed by which injured
employees receive payment. This bill clarifies that a

2 certificate of authorization is valid as long as a claim remains
outstanding and the injured employee is receiving benefits.