

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2166

H.P. 1533

House of Representatives, January 16, 1992

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.
Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

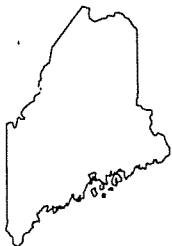
Presented by Representative RAND of Portland.

Cosponsored by Representative RUHLIN of Brewer, Representative McKEEN of Windham
and Representative McHENRY of Madawaska.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

**An Act to Clarify and Amend the Laws Regarding Independent Medical
Examiners.**



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

2
4 Sec. 1. 39 MRSA §52-D, sub-§2, ¶¶E and F, as enacted by PL 1991, c. 615, Pt. D, §5, are amended to read:

6 E. The independent medical examiner shall submit the
8 examiner's findings and recommendations to the parties, the
10 provider and the commission within 30 days from the
12 appointment of the examiner. In addition to the findings
14 and recommendations, the examiner shall submit a statement
16 describing the examiner's training in and experience with
18 the type of medical condition presented. The independent
20 medical examiner may make recommendations appropriate to the
22 issue that is the subject of the review, including but not
24 limited to:

18 (1) That a provider be paid or not be paid for
20 services that were inappropriate, unreasonable or
22 excessive;

22 (2) That a provider be partially paid for services
24 charged in excess of the medical fee schedule;

24 (3) That a provider be partially paid for services
26 provided to an employee under this Act that exceeded
28 the provider's charge for services to a private
30 3rd-party payor in violation of section 52-B;

30 (4) That a provider reimburse an employer or insurer
32 for services that were paid for and are found to be
34 inappropriate, unreasonable or excessive; or

34 (5) That a proposed surgical procedure is not
36 reasonable and necessary to the proper treatment of an
38 employee.

38 F. Any employee, employer, insurer or provider that seeks
40 to implement the recommendations of the independent medical
42 examiner or that seeks resolution of a dispute related to
44 the treatment under review may file a petition with the
46 commission. The commissioner shall adopt the medical
48 findings of the independent medical examiner unless there is
50 substantial evidence in the record that does not support the
52 medical findings. "Substantial evidence" means at least a
preponderance of evidence and includes the examiner's
training in and experience with the medical condition of the
employee and whether the independent medical examiner
examined or interviewed the employee. "Substantial
evidence" does not include medical evidence not considered
by the independent medical examiner. The commissioner must
shall state in writing the reasons for not accepting the
medical findings of the independent medical examiner.

2 workers' compensation commissioner when deciding whether to adopt
the examiner's medical findings.