

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1703

S.P. 605

In Senate, January 11, 1994

**An Act Concerning the Payment of Medical Expenses in Controverted
Workers' Compensation Cases.**

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Senator: CONLEY of Cumberland, Representatives: CHASE of China,
DAGGETT of Augusta, MELENDY of Rockland, PINEAU of Jay, TRACY of Rome.

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

2
4 Sec. 1. 39-A MRSA §222, as enacted by PL 1991, c. 885, Pt. A,
§8 and affected by §§9 to 11, is amended to read:

6 **§222. Provisional payment of certain disability benefits and**
8 **insured medical payments**

10 1. **No delay of benefits.** If an employee is due benefits
12 from an employer under an insured disability plan ~~ex--insured~~
14 ~~medical-payments--plan~~ because of a personal injury or disease,
16 the employer may not delay or refuse payment of those benefits
18 because the employee filed a workers' compensation claim based on
20 the same personal injury or disease. If an employee or a
dependent of an employee is due benefits from an employer under
an insured medical payments plan because of a personal injury or
disease, the employer may not delay or refuse payment of those
benefits because the employee or dependent of the employee has
filed or may file a workers' compensation claim based on the same
personal injury or disease.

22 2. **Repayment.** If an employee has received benefits, as
24 described in subsection 1, because of a personal injury or
26 disease and has later prevailed on a workers' compensation claim
28 based on the same personal injury or disease, the value of all
30 such benefits may be offset by the employer or respective
32 insurance carriers against the payments of workers' compensation
34 benefits, and, if the benefits are not offset, the employee shall
36 repay to the employer, within 30 days of receiving the initial
38 payment of workers' compensation benefits, the value of all the
benefits received under subsection 1. If a dependent of an
employee has received benefits, as described in subsection 1,
because of a personal injury or disease and has later prevailed
on a workers' compensation claim based on the same personal
injury or disease, the value of all such benefits must be paid by
the employer or insurance carrier responsible for workers'
compensation benefits to the insurance carrier that paid the
medical payments.

40 3. **Rules.** The Superintendent of Insurance shall adopt
42 rules to implement this section.

44 A. These rules must impose any requirements on employers or
46 health, disability or workers' compensation insurance
48 carriers that the superintendent finds necessary or
50 desirable to ease the financial burden on injured employees
and their dependents whose workers' compensation claims are
controversial and who are awaiting board determinations on
their claims.

2 B. The superintendent shall consult with the chair of the
4 board in formulating and adopting these rules.

6 **STATEMENT OF FACT**

8 This bill addresses the issue of medical payments in
10 controverted workers' compensation cases. It requires health
12 insurers to pay for medical treatment for employees and their
14 dependents and, if the dependent has later prevailed on a
16 workers' compensation claim, allows the repayment of benefits
18 between the employer and insurance carrier or among insurance
20 carriers.

22 This document has not yet been reviewed to determine the
need for cross-reference, stylistic and other technical
amendments to conform existing law to current drafting standards.