MAINE STATE LEGISLATURE

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STATE OF MAINE

14 **HOUSE OF REPRESENTATIVES**
118TH LEGISLATURE

16 **FIRST SPECIAL SESSION**

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COMMITTEE AMENDMENT "*A*" to H.P. 863, L.D. 1180, Bill, "An

20 Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers"

22

Amend the bill by striking out everything after the enacting

24 clause and before the summary and inserting in its place the following:

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'Sec. 1. 39-A MRSA §206, sub-§§1 and 2, as enacted by PL 1991,

28 c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

30 **1. Employer selection.** The employer initially has the right to select for the employee a health care provider

32 authorized to practice as such under the laws of the State. To the extent it is reasonable and necessary to do so, the employee

34 may also receive one evaluation by a health care provider who is:

36 A. The employee's preferred provider under a health insurance or health maintenance plan;

38

B. The employee's family physician with whom the employee

40 had an established relationship before the injury; or

42 C. A specialist with whom the employee has an established relationship, if the injury relates to a condition for which

44 the employee had seen the specialist prior to the injury.

46 The employee is not precluded from seeing a health care provider whose services may be paid for outside the provisions of this Act.

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COMMITTEE AMENDMENT

2   **2. Employee selection.** After 10 days from the inception of health care <u>by the employer-selected health care provider</u> under subsection 1, the employee may select a different health care
4   provider by giving to the employer the name of the health care provider and a statement of intention to treat with the health
6   care provider. The employer may file a petition objecting to the named health care provider selected by the employee and setting
8   forth reasons for the objection. The issue of the health care provider must be set for mediation pursuant to section 313. If
10   the objection is not resolved through mediation, after notice to all parties and a prompt hearing by a hearing officer, the
12   hearing officer may order one of the following:

14   A. If the employer can not show cause why the employee should not commence or continue treatment with the health
16   care provider of the employee's choice, the hearing officer shall order that the employer is responsible for payment for
18   treatment received from the health care provider; or

20   B. If the employer can show cause why the employee should not commence or continue treatment with the health care
22   provider of the employee's choice, the hearing officer shall order that the employer is not responsible and that the
24   employee is responsible for payment for treatment received from the health care provider from the date the order is
26   mailed.'

28   Further amend the bill by inserting at the end before the summary the following:
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32   **'FISCAL NOTE**

34   The state employees' workers' compensation program may incur some minor additional costs related to the health care provider
36   provisions. These costs are not expected to affect the amounts budgeted by state departments and agencies for workers'
38   compensation.'

40

42   **SUMMARY**

      This amendment is the majority report of the committee. It
44   limits the employee's use of a health care provider during the first 10 days to one evaluation performed by a physician or
46   specialist with whom the employee had a previously established relationship.
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      The amendment also adds a fiscal note to the bill.

COMMITTEE AMENDMENT