MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1180

H.P. 863

House of Representatives, February 25, 1997

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

Reference to the Committee on Labor suggested and ordered printed.

OSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan. Cosponsored by Senator CATHCART of Penobscot and Representatives: BULL of Freeport, CLARK of Millinocket, O'NEAL of Limestone, RINES of Wiscasset, SAMSON of Jay.

Be it e	enacted	bv t	he l	People	of the	State	of]	Maine	as	follows
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2	Ca. 1 20 4 BADCA 2007 with 21
4	Sec. 1. 39-A MRSA §206, sub-§1, as enacted by PL 1991, c. 885. Pt. A, §8 and affected by §§9 to 11, is repealed.
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6	Sec. 2. 39-A MRSA §206, sub-§2, as enacted by PL 1991, c. 885
	Pt. A, $\S 8$ and affected by $\S \S 9$ to 11, is amended to read:

- 2. Employee selection. After-10-days from the inception of health care under subsection—1;—the The employee may select a different health care provider authorized to practice as such under the laws of the State by giving to the employer the name of the health care provider and a statement of intention to treat with the health care provider. The employer may file a petition objecting to the named health care provider selected by the employee and setting forth reasons for the objection. The issue of the health care provider must be set for mediation pursuant to section 313. If the objection is not resolved through mediation, after notice to all parties and a prompt hearing by a hearing officer, the hearing officer may order one of the following:
 - A. If the employer can not show cause why the employee should not commence or continue treatment with the health care provider of the employee's choice, the hearing officer shall order that the employer is responsible for payment for treatment received from the health care provider; or
 - B. If the employer can show cause why the employee should not commence or continue treatment with the health care provider of the employee's choice, the hearing officer shall order that the employer is not responsible and that the employee is responsible for payment for treatment received from the health care provider from the date the order is mailed.

SUMMARY

This bill removes from the law the provision that gives an employer the right to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.