## MAINE STATE LEGISLATURE

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## 119th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1999

Legislative Document

No. 776

H.P. 555

House of Representatives, January 28, 1999

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.

JOSEPH W. MAYO, Clerk

Presented by Representative HATCH of Skowhegan.

Cosponsored by Senator DOUGLASS of Androscoggin and

Representatives: COWGER of Hallowell, DUGAY of Cherryfield, DUNLAP of Old Town, GREEN of Monmouth, MATTHEWS of Winslow, SAMSON of Jay, TRACY of Rome,

Senator: CATHCART of Penobscot.

Be	it	enacted	bv	the	Peo	nle	of	the	State	of	Maine	as	follows:
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- 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 A, §8 and affected by §§9 to 11, is repealed.
  - Sec. 2. 39-A MRSA §206, sub-§2, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§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 10 different health care provider authorized to practice as such 12 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 14 with the health care provider. The employer may file a petition objecting to the named health care provider selected by the 16 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, 18 after notice to all parties and a prompt hearing by a hearing 20 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.