

MAINE STATE LEGISLATURE

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DATE: May 12, 1999 (Filing No. S-275)

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "A" to S.P. 350, L.D. 1054, Bill, "An Act Requiring Doctors Giving 2nd Opinions in Workers' Compensation Cases to be Certified"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

Sec. 1. 39-A MRSA §207, first ¶, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

An employee being treated by a health care provider of the employee's own choice shall, after an injury and at all reasonable times during the continuance of disability if so requested by the employer, submit to an examination by a physician ~~or~~ surgeon or chiropractor authorized to practice as such under the laws of this State, to be selected and paid by the employer. The physician, surgeon or chiropractor must have an active practice of treating patients or have discontinued an active practice not more than 2 years before the date of the examination. For purposes of this section, "active practice" may be demonstrated by having treating privileges at a hospital. A physician or surgeon must be certified in the field of practice that treats the type of injury complained of by the employee. Certification must be by a board recognized by the American Board of Medical Specialties or the American Osteopathic Association or their successor organizations. A chiropractor licensed by the Board of Chiropractic Licensure, who has an active practice of treating patients or who discontinued an active practice not more than 2 years before the examination, may provide a 2nd opinion when the initial opinion was given by a chiropractor. Once an employer selects a health care provider to examine an employee, the employer may not request that the employee be examined by more than one other health care provider, other than an

SENATE AMENDMENT

SENATE AMENDMENT " A " to S.P. 350, L.D. 1054

2 independent medical examiner appointed pursuant to section 312,
without prior approval from the employee or a hearing officer.
4 This provision does not limit an employer's right to request that
the employee be examined by a specialist upon referral by the
6 health care provider. Once the employee is examined by the
specialist, the employer may not request that the employee be
8 examined by a different specialist in the same specialty, other
than an independent medical examiner appointed pursuant to
10 section 312, without prior approval from the employee or the
board. The employee has the right to have a physician or
12 surgeon or chiropractor of the employee's own selection present
at such an examination, whose costs are paid by the employer. The
14 employer shall give the employee notice of this right at the time
the employer requests an examination.'

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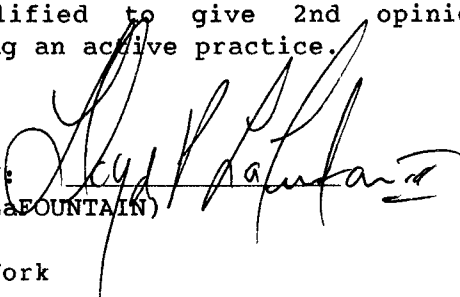
SUMMARY

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20 This amendment provides that chiropractors licensed by the
Board of Chiropractic Licensure are authorized to give 2nd
22 opinions in cases where the initial opinion was given by a
chiropractor, when they meet the "active practice" requirement
applicable to other health care providers giving 2nd opinions.
24 It also allows a physician, surgeon or chiropractor to continue
to be qualified to give 2nd opinions for 2 years after
26 discontinuing an active practice.

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SPONSORED BY: 
(Senator LaFOUNTAIN)

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COUNTY: York

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