



119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 1054

S.P. 350

In Senate, February 9, 1999

An Act Requiring Doctors Giving 2nd Opinions in Workers' Compensation Cases to be Certified.

Reference to the Committee on Labor suggested and ordered printed.

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JOY J. O'BRIEN Secretary of the Senate

Presented by Senator NUTTING of Androscoggin. Cosponsored by Representative BERRY of Livermore and Senators: DOUGLASS of Androscoggin, MILLS of Somerset, Representatives: HATCH of Skowhegan, JACOBS of Turner, SAMSON of Jay, STANLEY of Medway.

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

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

6 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 8 requested by the employer, submit to an examination by a 10 physician or surgeon authorized to practice as such under the laws of this State and certified in the field of practice that 12 treats the type of injury complained of by the employee, to be selected and paid by the employer. Certification must be 14 obtained from a board recognized by the American Board of Medical Specialties or its successor or by the American Osteopathic Association or its successor. In addition, the physician or 16 surgeon must have an active practice of treating patients, which may be demonstrated by having treating privileges at a hospital. 18 Once an employer selects a health care provider to examine an 20 employee, the employer may not request that the employee be examined by more than one other health care provider, other than 22 an independent medical examiner appointed pursuant to section 312, without prior approval from the employee or a hearing This provision does not limit an employer's right to 24 officer. request that the employee be examined by a specialist upon 26 referral by the health care provider. Once the employee is examined by the specialist, the employer may not request that the employee be examined by a different specialist in the same 28 specialty, other than an independent medical examiner appointed 30 pursuant to section 312, without prior approval from the employee or the board. The employee has the right to have a physician or 32 surgeon of the employee's own selection present at such an examination, whose costs are paid by the employer. The employer 34 shall give the employee notice of this right at the time the employer requests an examination. 36

SUMMARY

This bill requires physicians or surgeons selected by employers to give opinions in workers' compensation cases to be

The physician or surgeon must

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certified in the field of practice that treats the type of injury complained of by the employee. also have an active practice of treating patients, which may be demonstrated by having treating privileges at a hospital.

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