MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

No. 2100

S.P. 741

In Senate, March 30, 1999

An Act to Allow Workers' Compensation Board Advocates to Prioritize and Decline Cases.

Reference to the Committee on Labor suggested and ordered printed.

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator DOUGLASS of Androscoggin. (GOVERNOR'S BILL). Cosponsored by Representative MacDOUGALL of North Berwick and Senators: GOLDTHWAIT of Hancock, HARRIMAN of Cumberland, KILKELLY of Lincoln, NUTTING of Androscoggin, Representatives: MAYO of Bath, RICHARDSON of Brunswick.

	Be it enacted by the People of the State of Maine as follows:
2	Sec. 1. 39-A MRSA §153-A, sub-§§6 and 7 are enacted to read:
4	
	6. Case management authority of advocates. An advocate has
6	the authority to:
8	A. Manage and prioritize the advocate's caseload to
0	efficiently move cases through the board mediation and
10	hearing process and to achieve resolution; and

12	B. Decline cases or cease assistance to an employee when
	the advocate after investigation finds:
14	
16	(1) Timely notice of the injury was not given by the
	employee to the employer, pursuant to this Act;
18	(2) Mr. statute of limitations has ambigade
	(2) The statute of limitations has expired;
20	(3) The employee's case is based on an argument or
	issue adversely determined by the Supreme Judicial
22	Court;
24	(4) The employee's case is based on a claim of
	discrimination governed by section 353;
26	
	(5) There is no record of medical assessment stating
28	that the employee's injury was either caused by,
30	aggravated by or precipitated by the employee's work or, when the issue is aggravation, there is no record
30	of medical assessment stating that the employee's work
32	aggravated a preexisting condition in a significant
	manner; or
34	
	(6) The employee has admitted to a fraudulent act, has
36	been convicted of a fraudulent act by a court of
	competent jurisdiction or has been found to have
38	committed a fraudulent act by the abuse investigation unit of the board.
40	unic of the board.
	A qualified employee whose case is declined or whose advocate
42	assistance ceases pursuant to this subsection may appeal the
	action to the executive director of the board, within 30 days of
44 46	the action. The executive director's ruling on the appeal is
	final and is not subject to judicial review. If the executive
	director finds assistance by an advocate should resume, the
4.0	employee must be assigned to an advocate other than the advocate
48	who declined the case or ceased assistance.

7. Rulemaking. In addition to the case management authority established in subsection 6, the board may establish by rule additional reasons for which the advocates may decline or cease assistance on cases. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

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10 SUMMARY

This bill gives the Workers' Compensation Board advocates new authority with regard to their caseload. The bill authorizes advocates to manage and prioritize their caseload to more efficiently process their cases. This bill also allows advocates to decline or cease assistance to employees for certain reasons. When assistance is declined or ceased, the employee may appeal the decision to the executive director of the board within 30 days. This bill also authorizes the board to adopt by rule additional reasons for which advocates may decline or cease assistance.

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