

# MAINE STATE LEGISLATURE

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# 119th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2000

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Legislative Document

No. 2561

H.P. 1827

House of Representatives, February 10, 2000

**An Act to Ensure Access to Specialists for Injured Workers.**

(AFTER DEADLINE)

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Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Labor suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative GOODWIN of Pembroke.  
Cosponsored by Senator MILLS of Somerset and  
Representatives: CLARK of Millinocket, FRECHETTE of Biddeford, HATCH of  
Skowhegan, MATTHEWS of Winslow, McDONOUGH of Portland, SAMSON of Jay,  
TWOMEY of Biddeford, WHEELER of Eliot.

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

2  
3       **Sec. 1. 39-A MRSA §205, sub-§4**, as enacted by PL 1991, c. 885,  
4 Pt. A, §8 and affected by §§9 to 11, is amended to read:

6       **4. Payment of medical bills.** When there is no ongoing  
7 dispute, or when the dispute is over treatment by a specialist  
8 pursuant to section 206, subsection 4, if medical bills are not  
9 paid within 30 days after the carrier has received notice of  
10 nonpayment by certified mail, \$50 or the amount of the bill due,  
11 whichever is less, must be added and paid to the Workers'  
12 Compensation Board Administrative Fund for each day over 30 days  
13 in which the medical bills are not paid. Not more than \$1,500 in  
14 total may be added pursuant to this subsection.

16       **Sec. 2. 39-A MRSA §206, sub-§4**, as enacted by PL 1991, c. 885,  
17 Pt. A, §8 and affected by §§9 to 11, is amended to read:

18       **4. Specialist treatment.** This section does not limit an  
19 employee's right to be treated by a specialist when a referral is  
20 made by the employee's health care provider. Once an employee  
21 has begun treatment with the specialist, the employee may not  
22 seek treatment from a different specialist in the same specialty  
23 without prior approval from the employer or the board. This  
24 subsection applies only to referrals made by the employee's  
25 health care provider for injuries originally treated by the  
26 employee's health care provider arising out of and in the course  
27 of employment.

28  
29 The employer may file a petition objecting to the named  
30 specialist referred by the health care provider and setting forth  
31 reasons for the objection. The issue of the specialist must be  
32 set for mediation pursuant to section 313. If the objection is  
33 not resolved through mediation, after notice to all parties and a  
34 prompt hearing by a hearing officer, the hearing officer may  
35 order one of the following:

36  
37       A. If the employer can not show cause why the employee  
38 should not commence or continue treatment with the  
39 specialist, the hearing officer shall order that the  
40 employer is responsible for payment for treatment received  
41 from the specialist; or

42  
43       B. If the employer can show cause why the employee should  
44 not commence or continue treatment with the specialist, or  
45 that the treatment is unnecessary or excessive, the hearing  
46 officer shall order that the employer is not responsible and  
47 that the employee is responsible for repayment to the  
48 employer of any payment by the employer for treatment  
49 received from the specialist determined by the hearing  
50 officer to be unnecessary or excessive.

