

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 373

H.P. 295

House of Representatives, January 30, 2001

**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.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative HATCH of Skowhegan.
Cosponsored by Senator EDMONDS of Cumberland and
Representatives: ASH of Belfast, BRYANT of Dixfield, COTE of Lewiston, DUPLESSIE of
Westbrook, MATTHEWS of Winslow, McDONOUGH of Portland, PATRICK of Rumford.

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

4 **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 A, §8 and affected by §§9 to 11, is repealed.

6 **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:

8 **2. Employee selection.** ~~After 10 days from the inception of~~
10 ~~health care under subsection 1, the~~ The employee may select a
12 ~~different~~ health care provider authorized to practice as such
14 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
16 with the health care provider. The employer may file a petition
objecting to the named health care provider selected by the
18 employee and setting forth reasons for the objection. The issue
of the health care provider must be set for mediation pursuant to
20 section 313. If the objection is not resolved through mediation,
after notice to all parties and a prompt hearing by a hearing
officer, the hearing officer may order one of the following:

22 A. If the employer can not show cause why the employee
should not commence or continue treatment with the health
24 care provider of the employee's choice, the hearing officer
shall order that the employer is responsible for payment for
26 treatment received from the health care provider; or

28 B. If the employer can show cause why the employee should
not commence or continue treatment with the health care
30 provider of the employee's choice, the hearing officer shall
order that the employer is not responsible and that the
32 employee is responsible for payment for treatment received
from the health care provider from the date the order is
34 mailed.

36
38 **SUMMARY**

40 This bill removes from the law the provision that gives an
employer the right to select a health care provider for an
42 injured employee for the first 10 days of health care under the
workers' compensation laws.
44