

MAINE STATE LEGISLATURE

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STATE OF MAINE
LEGISLATURE

120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 976

H.P. 757

House of Representatives, February 20, 2001

An Act Concerning Workers' Compensation Examinations.

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative FULLER of Manchester.
Cosponsored by Senator PENDLETON of Cumberland and
Representative ANDREWS of York, Senator: GOLDTHWAIT of Hancock.

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

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Sec. 1. 39-A MRSA §207, first ¶, as amended by PL 1999, c. 365, §1, is further 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, surgeon, nurse practitioner, physician's assistant or chiropractor authorized to practice as such under the laws of this State, to be selected and paid by the employer. The physician, surgeon, nurse practitioner, physician's assistant 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 independent medical examiner appointed pursuant to section 312, without prior approval from the employee or a hearing officer. This provision does not limit an employer's right to request that the employee be examined by a specialist upon 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 specialty, other than an independent medical examiner appointed pursuant to section 312, without prior approval from the employee or the board. The employee has the right to have a physician, surgeon, nurse practitioner, physician's assistant or chiropractor of the employee's own selection present at such an examination, whose costs are paid by the employer. The employer shall give the employee notice of this right at the time the employer requests an examination.

SUMMARY

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4 This bill adds nurse practitioners and physician's
6 assistants to the list of health care providers authorized to
examine a person under the Maine Workers' Compensation Act of
1992.