

MAINE STATE LEGISLATURE

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L.D. 1235

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DATE: 5-16-01

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MAJORITY
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STATE OF MAINE
HOUSE OF REPRESENTATIVES
120TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 921, L.D. 1235, Bill, "An Act to Speed Up the Decision Process on Workers' Compensation Claims"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

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 or chiropractor authorized to practice as such under the laws of this State, to be selected and paid by the employer. The physician, surgeon 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

COMMITTEE AMENDMENT

2 when the initial opinion was given by a chiropractor. Once an
3 employer selects a health care provider to examine an employee,
4 the employer may not request that the employee be examined by
5 ~~more than one other~~ another health care provider, other than an
6 independent medical examiner appointed pursuant to section 312,
7 without prior approval from the employee or a hearing officer.
8 The hearing officer may not authorize an additional examination
9 unless it is needed to provide information on an issue that was
10 not addressed and could not have been addressed in the prior
11 examination. This provision does not limit an employer's right
12 to request that the employee be examined by a specialist upon
13 referral by the health care provider. Once the employee is
14 examined by the specialist, the employer may not request that the
15 employee be examined by a different specialist in the same
16 specialty, other than an independent medical examiner appointed
17 pursuant to section 312, without prior approval from the employee
18 or the board. The employee has the right to have a physician,
19 surgeon or chiropractor of the employee's own selection present
20 at such an examination, whose costs are paid by the employer. The
21 employer shall give the employee notice of this right at the time
22 the employer requests an examination.'

24 SUMMARY

26 This amendment replaces the bill. It provides that an
27 employer may not require an injured employee to undergo more than
28 one 2nd opinion examination unless the additional examination is
29 approved by the employee or a hearing officer. It provides that
30 the hearing officer may approve the additional examination only
31 if it is needed to provide information on an issue that was not
32 addressed in the first examination and that could not have been
addressed in that examination.