

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 809

H.P. 574

House of Representatives, February 15, 2005

An Act To Facilitate Testimony in Workers' Compensation Proceedings

Reference to the Committee on Labor suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative PERRY of Calais.
Cosponsored by Representative: SMITH of Van Buren.

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

Sec. 1. 39-A MRSA §309, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

3. Witnesses; discovery. All witnesses must be sworn. Sworn written evidence may not be admitted unless the author is available for cross-examination or subject to subpoena; except that sworn statements by a medical doctor or osteopathic physician relating to medical questions, by a psychologist relating to psychological questions ~~or~~, by a chiropractor relating to chiropractic questions or by a certified nurse practitioner who qualifies as an advanced practice registered nurse relating to advanced practice registered nursing questions are admissible in workers' compensation hearings only if notice of the testimony to be used is given and service of a copy of the letter or report is made on the opposing counsel 14 days before the scheduled hearing.

Depositions or subpoenas of health care practitioners who have submitted sworn written evidence are permitted only if the hearing officer finds that the testimony is sufficiently important to outweigh the delay in the proceeding.

The board may establish procedures for the pre-filing of summaries of the testimony of any witness in written form. In all proceedings before the board or its designee, discovery beyond that specified in this section is available only upon application to the board, which may approve the application in the exercise of its discretion.

SUMMARY

This bill authorizes a nurse practitioner to submit sworn written testimony in Workers' Compensation Board proceedings, just as physicians, psychologists and chiropractors may do under current law.