

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
122ND LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "B" to S.P. 289, L.D. 881, Bill, "An Act To Amend the Maine Workers' Compensation Act of 1992 To Facilitate Timely Independent Medical Examinations and Benefit Payments"

Amend the bill by striking out all of section 1 (page 1, lines 3 to 18 in L.D.) and inserting in its place the following:

'Sec. 1. 39-A MRSA §312, sub-§2, as amended by PL 2005, c. 24, §1, is further amended to read:

2. Eligibility. ~~An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The An~~ independent medical examiner in a case may not be the employee's treating health care provider and may not have treated the employee with respect to the injury for which the claim is being made or the benefits are being paid. Nothing in this subsection precludes the selection of a provider authorized to receive reimbursement under section 206 to serve in the capacity of an independent medical examiner. ~~Unless agreed upon by the parties,~~ a A physician who has examined an employee at the request of an insurance company, employer or employee in accordance with section 207 during the previous 52 weeks is not eligible to serve as an independent medical examiner unless that physician is approved for inclusion on the list created pursuant to subsection 1 by a vote of 3/4 of the total membership of the board.

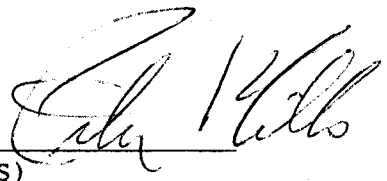
A physician who does not meet the eligibility requirements of this subsection may serve as an independent medical examiner for a claim if agreed to by the parties to that claim.'

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SUMMARY

Current law disqualifies a physician from serving as an independent medical examiner if the physician has examined any employee during the previous 52 weeks at the request of an insurance company, employer or employee. This amendment provides that this disqualification may be waived by a 3/4 vote of the Workers' Compensation Board.

This amendment also makes technical changes to the statute.

SPONSORED BY: 
(Senator P. MILLS)

COUNTY: Somerset