

MAINE STATE LEGISLATURE

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LABOR

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
122ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H.P. 635, L.D. 916, Bill, "An Act To Amend the Workers' Compensation Medical Fee Schedule To Include Hospital Charges"

Amend the bill by striking out the title and substituting the following:

'Resolve, Establishing the Commission on Maximum Hospital Charges for Workers' Compensation'

Further amend the bill by striking out everything after the title and before the summary and inserting in its place the following:

'Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Commission on Maximum Hospital Charges for Workers' Compensation is established to determine whether a schedule of maximum charges for hospital services provided to workers' compensation claimants should be established and if so to recommend those maximum charges; and

Whereas, the study must be initiated before the 90-day period expires in order that the study may be completed and a report submitted in time for submission to the next legislative session; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore, be it

COMMITTEE AMENDMENT

2 **Sec. 1. Commission established. Resolved:** That the Commission
on Maximum Hospital Charges for Workers' Compensation, referred
4 to in this resolve as "the commission," is established; and be it
further

6 **Sec. 2. Commission membership. Resolved:** That the commission
8 consists of 13 members appointed as follows:

10 1. Three members of the Senate, appointed by the President
of the Senate, 2 of whom serve on the Joint Standing Committee on
12 Labor and of whom no more than 2 are members of the same
political party;

14 2. Four members of the House of Representatives, appointed
by the Speaker of the House, each of whom serves on the Joint
16 Standing Committee on Labor and of whom no more than 2 are
members of the same political party;

18 3. One representative of Maine hospitals, appointed by the
20 President of the Senate;

22 4. One representative of a mutual insurance company
licensed to sell workers' compensation insurance in Maine,
24 appointed by the Speaker of the House;

26 5. One representative of a workers' compensation
self-insurer in Maine, appointed by the President of the Senate;

28 6. One representative of organized labor, appointed by the
30 Speaker of the House;

32 7. One representative of an organization representing
34 businesses in Maine, appointed by the President of the Senate;
and

36 8. The Executive Director of the Workers' Compensation
38 Board, or the executive director's designee; and be it further

40 **Sec. 3. Chairs. Resolved:** That the first-named Senate member
is the Senate chair of the commission and the first-named House
42 of Representatives member is the House chair of the commission;
and be it further

44 **Sec. 4. Appointments; convening of commission. Resolved:** That
46 all appointments must be made no later than 30 days following the
effective date of this resolve. The appointing authorities shall
48 notify the Executive Director of the Legislative Council once all
appointments have been completed. Within 15 days after
50 appointment of all members, the chairs shall

2 call and convene the first meeting of the commission, which must
be no later than August 1, 2005; and be it further

4 **Sec. 5. Duties. Resolved:** That the commission shall study
information provided by the Maine Health Data Organization
6 concerning actual payments made by private 3rd-party payors for
hospital services and any other relevant information to determine
8 the following:

10 1. Whether a schedule of maximum charges for hospital
services provided to workers' compensation claimants should be
12 established; and

14 2. If a schedule should be established, what the maximum
charges should be; and be it further

16 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council
18 shall provide necessary staffing services to the commission; and
be it further

20 **Sec. 7. Compensation. Resolved:** That the legislative members
22 of the commission are entitled to receive the legislative per
diem, as defined in the Maine Revised Statutes, Title 3, section
24 2, and reimbursement for travel and other necessary expenses
related to their attendance at authorized meetings of the
26 commission. Public members not otherwise compensated by their
employers or other entities that they represent are entitled to
28 receive reimbursement of necessary expenses and, upon a
demonstration of financial hardship, a per diem equal to the
30 legislative per diem for their attendance at authorized meetings
of the commission; and be it further

32 **Sec. 8. Report. Resolved:** That, no later than December 7,
34 2005, the commission shall submit a report that includes its
findings and recommendations, including suggested legislation,
36 for presentation to the Joint Standing Committee on Labor, the
Legislative Council and the Workers' Compensation Board. The
38 commission is authorized to introduce legislation related to its
report to the Second Regular Session of the 122nd Legislature at
40 the time of submission of its report; and be it further

42 **Sec. 9. Extension. Resolved:** That, if the commission requires
a limited extension of time to complete its study and make its
44 report, it may apply to the Legislative Council, which may grant
an extension; and be it further

46 **Sec. 10. Commission budget. Resolved:** That the chairs of the
48 commission, with assistance from the commission staff, shall
administer the commission's budget. Within 10 days after its
50 first meeting, the commission shall present a work plan and

2 proposed budget to the Legislative Council for its approval. The
commission may not incur expenses that would result in the
4 commission's exceeding its approved budget. Upon request from
the commission the Executive Director of the Legislative Council
6 shall promptly provide the commission chairs and staff with a
status report on the commission budget, expenditures incurred and
paid and available funds.

8
10 **Emergency clause.** In view of the emergency cited in the
preamble, this resolve takes effect when approved.'

12
14 **SUMMARY**

16 This amendment replaces the bill with a resolve that
establishes the Commission on Maximum Hospital Charges for
Workers' Compensation. The commission's duties are to study
18 information provided by the Maine Health Data Organization
concerning actual payments made by private 3rd-party payors for
20 hospital services and, based on that information, to determine
whether a schedule of maximum charges for hospital services
22 provided to workers' compensation claimants should be established
and, if so, to recommend those maximum charges.

FISCAL NOTE REQUIRED
(See attached)



122nd MAINE LEGISLATURE

LD 916

LR 2125(02)

An Act To Amend the Workers' Compensation Medical Fee Schedule To Include Hospital Charges

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: Labor

Fiscal Note Required: Yes

Fiscal Note

Current Costs - Legislative Study
Minor cost increase - Other Special Revenue Funds

Legislative Study

The projected costs to fund the general operating expenses of this study are \$4,740 in fiscal year 2005-06. The Legislature's Part I budget includes \$30,000 in fiscal year 2005-06 for legislative studies. Whether the amount is sufficient to fund all studies will depend on the number of studies authorized by the Legislative Council and the Legislature.

Fiscal Detail and Notes

Additional costs to the Workers' Compensation Board associated with serving on the Commission can be absorbed within existing budgeted resources.