MAINE STATE LEGISLATURE

The following document is provided by the LAW AND LEGISLATIVE DIGITAL LIBRARY at the Maine State Law and Legislative Reference Library http://legislature.maine.gov/lawlib



Reproduced from electronic originals (may include minor formatting differences from printed original)



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1056

H.P. 791

House of Representatives, March 15, 2011

An Act To Increase the Availability of Independent Medical Examiners under the Workers' Compensation Act of 1992

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

HEATHER J.R. PRIEST Clerk

Presented by Representative HAMPER of Oxford. Cosponsored by Senator GOODALL of Sagadahoc and

Representatives: DOW of Waldoboro, FITZPATRICK of Houlton, FOSSEL of Alna, OLSEN of Phippsburg, PRESCOTT of Topsham, TUTTLE of Sanford, Senator: SNOWE-MELLO of Androscoggin.

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

- **Sec. 1. 39-A MRSA §312, sub-§2,** as amended by PL 2005, c. 24, §1, is further amended to read:
- **2. Duties.** An independent medical examiner shall render medical findings on the medical condition of an employee and related issues as specified under this section. The 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 physician who has examined an the employee to be examined 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.

14 SUMMARY

Under current law, if a physician has examined an employee of a company at the request of an insurance company, employer or employee in accordance with the Maine Revised Statutes, Title 39-A, section 207 during the previous 52 weeks then that physician is not eligible to be an independent medical examiner. This bill amends the law by limiting the 52-week prohibition to a prohibition against the examination of a specific employee who previously has been examined by the physician.