

MAINE STATE LEGISLATURE

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L.D. 1

Date: 4/12/2013

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LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

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**STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 9, L.D. 1, Bill, "An Act To Amend the Maine Workers' Compensation Act of 1992"

Amend the bill in section 2 in paragraph A in the 4th line (page 1, line 22 in L.D.) by inserting after the following: "dependent" the following: 'in any way'

Amend the bill in section 5 in subsection 4 in the 2nd and 3rd lines (page 1, lines 38 and 39 in L.D.) by striking out the following: "The board's ruling under this subsection is final and is not subject to judicial review." and inserting the following: 'A ruling by the board or hearing officer under this section is final and not subject to review by the Superior Court.'

Amend the bill by inserting after section 8 the following:

'Sec. 9. 39-A MRSA §312, sub-§1, as amended by PL 2011, c. 215, §1, is further amended to read:

1. Examiner system. The board shall develop and implement an independent medical examiner system consistent with the requirements of this section. As part of this system, the board shall, in the exercise of its discretion, create, maintain and periodically validate a list of not more than 50 health care providers that it finds to be the most qualified and to be highly experienced and competent in their specific fields of expertise and in the treatment of work-related injuries to serve as independent medical examiners from each of the health care specialties that the board finds most commonly used by injured employees. An independent medical examiner 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.~~ For an independent medical examiner who is a doctor of chiropractic, certification must be by a board recognized by the American Chiropractic Association or its successor organization. For an independent medical examiner who is a doctor of podiatric medicine, certification must be by a board recognized by the American Podiatric Medical Association or its successor organization. For an independent medical examiner who is a psychologist, licensure by the State Board of Examiners of Psychologists satisfies the certification requirement of this section. For

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1 all other medical examiners, certification must be by a board recognized by the American
2 Board of Medical Specialties or the American Osteopathic Association or their successor
3 organizations. The board shall establish a fee schedule for services rendered by
4 independent medical examiners and adopt any rules considered necessary to effectuate
5 the purposes of this section.'

6 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
7 section number to read consecutively.

8 **SUMMARY**

9 This amendment clarifies that a spouse who is dependent in any way on the injured
10 employee at the time of injury is included in the definition of "dependent" under the
11 workers' compensation law. This maintains the same standard that is currently in statute.
12 This amendment also makes clear that the Workers' Compensation Board's ruling in a
13 predetermination hearing is not subject to review by the Superior Court. Additionally,
14 this amendment expands the certification requirements for independent medical
15 examiners to include the certifications relevant to chiropractors, podiatrists and
16 psychologists.