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An Act To Amend the Maine Workers' Compensation Act of 1992 To Remove Independent Medical Examiners

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

Sec. 1. 39-A MRSA §110, sub-§1, ¶C, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§8 to 11, is repealed.

Sec. 2. 39-A MRSA §207, first ¶, as amended by PL 2001, c. 278, §1, is further amended to read:

An employee being treated by a health care provider of the employee's own choice shall, after an injury and at all reasonable times during the continuance of disability if so requested by the employer, submit to an examination by a physician, surgeon or chiropractor authorized to practice as such under the laws of this State, to be selected and paid by the employer. The physician, surgeon or chiropractor must have an active practice of treating patients. For purposes of this section, "active practice" may be demonstrated by having active clinical privileges at a hospital. A physician or surgeon 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. A chiropractor licensed by the Board of Chiropractic Licensure, who has an active practice of treating patients may provide a 2nd opinion when the initial opinion was given by a chiropractor. Once an employer selects a health care provider to examine an employee, the employer may not request that the employee be examined by more than one other health care provider, ~~other than an independent medical examiner appointed pursuant to section 312,~~ without prior approval from the employee or a hearing officer. This provision does not limit an employer's right to request that the employee be examined by a specialist upon referral by the health care provider. Once the employee is examined by the specialist, the employer may not request that the employee be examined by a different specialist in the same specialty, ~~other than an independent medical examiner appointed pursuant to section 312,~~ without prior approval from the employee or the board. The employee has the right to have a physician, surgeon or chiropractor of the employee's own selection present at such an examination, whose costs are paid by the employer. The employer shall give the employee notice of this right at the time the employer requests an examination.

Sec. 3. 39-A MRSA §209, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

3. Limitation on reimbursement. In order to qualify for reimbursement for health care services provided to employees under this Title, health care providers providing individual health care services and courses of treatment may not charge more for the services or courses of treatment for employees than is charged to private 3rd-party payors for similar services or courses of treatment. An employer is not responsible for charges that are determined to be excessive or treatment determined to be

~~inappropriate by an independent medical examiner appointed pursuant to section 312 or by the insurance carrier, self-insurer or group self-insurer pursuant to section 210, subsection 7 or the board pursuant to section 210, subsection 8.~~

Sec. 4. 39-A MRSA §312, as amended by PL 2005, c. 24, §§1 and 2, is repealed.

Sec. 5. 39-A MRSA §355-C, sub-§6, as enacted by PL 2001, c. 448, §5, is repealed.

SUMMARY

This bill removes the independent medical examiner system from the Maine Workers' Compensation Act of 1992.