

MEMORANDUM

MAINE WORKERS' COMPENSATION BOARD

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To: Don Wismer, Administrative Rules Coordinator, 101 SHS
From: John C. Rohde, General Counsel, 
Workers' Compensation Board, 27 SHS
Date: August 16, 2010
Subject: 2010-2011 Regulatory Agenda – Workers' Compensation Board 90-351

Enclosed please find for filing the Board's 2010-2011 Regulatory Agenda in both paper copy and on diskette in Word 2003 format. (Diskette & paper copies to follow.)

I have on this date also submitted 20 paper copies of the Agenda to the Executive Director of the Legislative Council.

If you have any questions, please contact me. Thank you for your attention to this filing.

/llm

CC: David E. Boulter, Executive Director of the Legislative Council

2010-2011 REGULATORY AGENDA

August 10, 2010

AGENCY UMBRELLA-UNIT NUMBER: 90-351

AGENCY NAME: Workers' Compensation Board

CONTACT PERSON: John C. Rohde, General Counsel, 27 State House Station, Augusta, Maine 04333-0027 Tel: (207)287-7086

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2010-11 RULE-MAKING ACTIVITY:

CHAPTER 1: Payment of Benefits

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update procedures regarding Board forms impacted by electronic filing of information.

ANTICIPATED SCHEDULE: Spring 2011

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 1: Payment of Benefits

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Clarify coverage notification requirements.

ANTICIPATED SCHEDULE: Spring 2011

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 2: Section 213 Compensation for Partial Incapacity

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(2)

PURPOSE: To address the permanent impairment threshold.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 2: Section 213 Compensation for Partial Incapacity

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(2)

PURPOSE: To clarify the procedures for collecting permanent impairment data.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 2: Section 213 Compensation for Partial Incapacity

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §213(1)

PURPOSE: To clarify the procedures regarding extensions of benefits due to extreme financial hardship.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 3: Form Filing

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A), §303

PURPOSE: To require electronic filing of payment and related information.

ANTICIPATED SCHEDULE: Spring 2011

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 4: Independent Medical Examiner

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To clarify procedural issues.

ANTICIPATED SCHEDULE: Winter 2010

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 4: Independent Medical Examiner

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312

PURPOSE: To update fees and expenses and procedures.

ANTICIPATED SCHEDULE: Winter 2010

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 5: Medical Fee Schedule

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To update the medical fee schedule.

ANTICIPATED SCHEDULE: Winter 2010

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 5: Medical Fee Schedule

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §209

PURPOSE: To update facility fee section.

ANTICIPATED SCHEDULE: Winter 2010

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 6: Rehabilitation

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §217

PURPOSE: To update/clarify procedures related to rehabilitation.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §210

PURPOSE: Update utilization review procedures and guidelines.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 7: Utilization Review, Treatment Protocols, Permanent Impairment

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(8)

PURPOSE: Establish a schedule for determining permanent impairment.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 8: Procedures for Payment

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update to conform with electronic filing requirements.

ANTICIPATED SCHEDULE: Spring 2011

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 9: Procedure for Coordination of Benefits

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §152(2-A)

PURPOSE: Update to conform with electronic filing requirements.

ANTICIPATED SCHEDULE: Spring 2011

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 12: Formal Hearings

STATUTORY AUTHORITY: 39-A M.R.S. §152(2); §315

PURPOSE: Update expenses.

ANTICIPATED SCHEDULE: Winter 2010

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 12: Formal Hearings

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Clarify procedures related to filing of Joint Scheduling Memo and Exchange of Information.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 14: Review By Full Board

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §320

PURPOSE: Update procedure for Board review of hearing officer decisions.

ANTICIPATED SCHEDULE: Winter 2011

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 15: Penalties

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Update process/procedure regarding section 324(2) penalties.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 18: Examinations by Impartial Physicians Pursuant to 39-A M.R.S.A. §611

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §611

PURPOSE: Update expenses and fees.

ANTICIPATED SCHEDULE: Winter 2010

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER ?: Worker Advocates

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)

PURPOSE: Worker Advocate case management authority.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER ?: Expenses

STATUTORY AUTHORITY: 39-A M.R.S. §152(2)

PURPOSE: Consolidate mileage and expense reimbursement.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER ? : Predeterminations

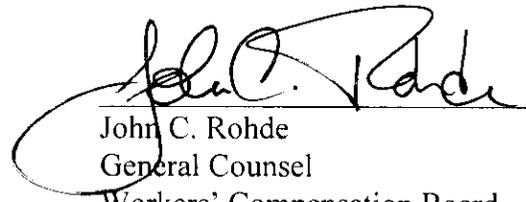
STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)

PURPOSE: Establish procedures regarding independent contractors.

ANTICIPATED SCHEDULE: Winter 2010-11

AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

8/10/2010
Date


John C. Rohde
General Counsel
Workers' Compensation Board