

MAE News

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

Fall 2013

Volume 9, Number 3



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Compliance Training for Employers/Insurers

The next open training sessions are January 23-24, 2014 at the Maine Department of Labor at 45 Commerce Drive in Augusta. Please contact Anne Poulin to save your spot. Registrants will receive additional information and directions prior to training.

The Board has also been busy doing on-site training for insurers, self-insurers, 3rd-party administrators as well as employers. If you would like information about on-site training for your organization, please contact Gordon Davis at 207-287-6327, or by email at Gordon.Davis@Maine.Gov.

Attention Adjusters: Supplemental Benefits Fund

If you are handling a claim with a date of injury from 1/1/93 through 12/31/99 and are paying partial incapacity benefits under §213-3 or §213-4, a portion of indemnity benefits paid to the claimant may be reimbursable by the Supplemental Benefits Fund (SBF).

The SBF is a mechanism created by the Legislature in June 2000 to reimburse insurers or self-insurers for the extension of partial incapacity benefits (beyond 260 weeks) paid to injured workers under §213 as follows:

- Claims with dates of injury 1/1/93 through 12/31/97 and permanent impairment between 11.8% and 15% (these claims are eligible for up to lifetime indemnity benefit reimbursement)
- Claims with dates of injury 1/1/93 through 12/31/99 and permanent impairment below 11.8% (these claims are eligible for reimbursement of up to five 52-week benefit extensions)
- Claims with dates of injury 1/1/98 through 12/31/99 and permanent impairment between 11.8% and 15% (these claims are eligible for reimbursement of up to five 52-week benefit extensions)

You must submit a hard copy request for reimbursement with the required exhibits to the Supplemental Benefits Fund, PO Box 6788, Scarborough, ME 04070. To obtain additional information, including a checklist of information required for reimbursement, please contact the fund administrator, Steve Hoxsie at (207) 883-8289.

From the Office of Medical and Rehabilitation Services Cost of Copies of Medical Records

An Act Regarding the Cost of Copies of Medical Records recently became law. Please note that this Act amended Title 22 MRSA and not Title 39-A MRSA which governs workers' compensation. Per Title 39-A MRSA, Section 209-A, Subsection 6, "The board shall adopt rules that establish a fee schedule or other standards of reimbursement for providers regarding administrative, case management, medical and legal and other activities unique to the treatment of injured workers in the workers' compensation system."

Per Board Rules and Regulations, Chapter 5, Section 1.07, the maximum fee for copies of medical records shall be \$10 for the first page and 35 cents per page thereafter. An itemized invoice shall accompany the copies. The copying charge shall be paid by the party requesting the records.

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From the Office of the Executive Director

L.D. 1 An Act to Amend the Maine Workers' Compensation Act of 1992

Effective October 9, 2013, this Act became law. As enacted, P.L. 2013, c. 63:

1. Clarifies that the board will no longer publish average weekly wage tables after December 1, 2011;
2. Makes the presumption of dependency consistent for spouses;
3. Extends the time within which the board must take action on a predetermination request from 14 to 30 days;
4. Establishes that review of a predetermination request is final within the board (i.e., not subject to appeal to the Superior Court);
5. Establishes that a request for evaluation of the need for employment rehabilitation is not subject to review outside of the agency;
6. Extends to 2 years the period within which an employee can petition for reinstatement to an employer with 200 or fewer employees;
7. Establishes that an employer is required to reimburse its insurer if the employer is responsible for the late filing of a first report of injury;
8. Clarifies procedures relating to the Appellate Division within the Workers' Compensation Board by:
 - A. Providing that clerical mistakes in decrees may be corrected when a matter is pending before the Appellate Division;
 - B. Specifying that an appellant must file a copy of the hearing officer's decision and not an order or agreement; and
 - C. Specifying that the Appellate Division may affirm, vacate or remand a decree of a hearing officer;
9. Clarifies procedures relating to the review of a decision by the board pursuant to the Maine Revised Statutes, Title 39-A, section 320 by:
 - A. Stipulating that appeals of decisions issued by the board pursuant to section 320 must be filed with the Law Court, not the Appellate Division;
 - B. Providing that a hearing officer decree can be appealed to the Appellate Division if the board declines review; and
 - C. Permitting the board to remand a hearing officer decree;
10. Clarifies that benefits must be paid while an appeal is pending before the Appellate Division and that benefits paid while a case is pending before the Appellate Division are subject to repayment in the same manner as when the Law Court decides an employee is not entitled to compensation; and
11. Adds chiropractors, podiatrists and psychologists to the list of professions eligible to serve as Section 312 independent medical examiners.

Obtain the full text at <http://www.maine.gov/legis/>.