

DEPARTMENT OF ADMINISTRATIVE & FINANCIAL SERVICES

Bureau of Human Resources

August 13, 1998

**HUMAN RESOURCES MEMORANDUM 9-98**

**TO: Commissioners/Directors of Admin Services/Agency Personnel Officers/  
Workers' Compensation Designees**

**SUBJECT: Workers' Compensation First Reports of Injury**

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**Purpose:** The purpose of this Memorandum is to inform all agencies of the statutory requirements of the Workers Compensation Act of 1992, with respect to timely reporting of injuries to the Workers Compensation Board, and to inform all agencies of policy and program changes to ensure compliance with the Act.

**Statutory Obligations:** The Workers Compensation Act of 1992 (39-A MRSA, Chapter 7, Section 303) requires that:

*When an employee has reported to an employer any injury that has caused the employee to lose a day's work, or when the employer has knowledge of any such injury, the employer shall report the injury to the Board within 7 days after the employer receives notice or has knowledge of the injury. The employer shall complete a first report of injury for any injury that has required the services of a health care provider within 7 days after the employer receives notice or has knowledge of the injury.*

In our efforts to meet our legal obligation to file timely reports, we must take action to improve our performance in filing first reports.

**Policy and Program Changes to Ensure Compliance:** The following policies and procedures must be implemented in all State agencies by September 1, 1998.

1. Compliance is predicated on swift notice from every supervisor or manager to the individuals designated by State agencies to administer workers compensation claims. Accordingly, all State agencies must instruct all supervisors to notify agency designees immediately upon learning of the injury, but in all cases within 48 hours of notice or knowledge of injury.
2. The Maine Health Information Center (MHIC) files all reports to the Workers Compensation Board on behalf of the State. Agency designees must file the First Report of Injury with the MHIC as soon as possible but in all cases within a total of 5 days of notice or knowledge of injury by any supervisor or manager in the agency. If reporting is centralized within the agency, please ensure that internal processes do not cause delays in reporting.

3. The MHIC has developed software (WC Entry) to enable agencies to electronically file first reports. This software has been installed or is being installed in all State agencies at this time. Effective September 1, all agencies must transmit First Reports of Injury to the MHIC via this software or other software approved by the Office of Employee Health and Benefits. To aid in transmitting first reports from field locations to an agency's central office, the software can be used to transmit first reports within the agency.

4. The MHIC will batch First Reports twice daily and electronically transmit these First Reports to the Workers Compensation Board.

**Management Report:** To facilitate monitoring the timeliness of first reports, a monthly report will be forwarded to each Commissioner indicating department performance.

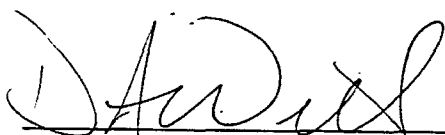
**Penalties for Late filing:** For all First Reports filed on or after October 1, 1998, the Bureau of Human Resources' Workers Compensation Division will assess a penalty for late filing equal to \$50 per day for each day beyond the statutory 7 day requirement, unless the late filing is beyond the agency's control. This assessment is in addition to any fines that may be levied by the Workers Compensation board for late filing. In preparation of this policy change, agencies will receive a statement early in October that will inform each agency of what, if any assessment would have been charged for late filings for September, if any, had assessments been made for that month.

When determining compliance, "timeliness" will be determined by comparing the date of notice to the Board to the latter of the following dates as entered on the First Report:

- Date of Injury (Box 26)
- Date of Notification (Box 35)
- Date Incapacity Began (Box 39)

**NOTE:** In addition to filing First Reports for lost time claims, the Workers Compensation Board requires filing First Reports for "medical only" claims if and when the claim is controverted. A First Report must be filed, through the MHIC to the Workers Compensation Board within 7 days of the decision to controvert the claim. When this occurs, a Notice of Controversy must be filed concurrently with the First Report.

**Questions and Assistance:** Questions concerning this memorandum or requests for assistance for installing or using "WC Entry" software should be addressed to your agency's case manager or to Joanne Pomerleau, Workers Compensation Division, telephone 287-4442.



Donald A. Wills, Director  
BUREAU OF HUMAN RESOURCES