

REGULATORY AGENDA

AGENCY UMBRELLA-UNIT NUMBER: **90-351**
AGENCY NAME: **Workers' Compensation Board**
CONTACT INFORMATION FOR THE AGENCY **RULE-MAKING LIAISON**: Richard N. Hewes, General Counsel, 27 State House Station, Augusta, Maine 04333-0027
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EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2021-2022 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: Fall 2021
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: Fall 2021
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 notification requirements.
ANTICIPATED SCHEDULE: Fall 2021
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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.
ANTICIPATED SCHEDULE: Fall 2021
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: Fall 2021
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: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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 amend procedures for electronic filing of coverage information.

ANTICIPATED SCHEDULE: Fall 2021

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 clarify filing procedures/requirements.

ANTICIPATED SCHEDULE: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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/update eligibility requirements.

ANTICIPATED SCHEDULE: Fall 2021

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/update procedural issues.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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: Fall 2021

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 clarify procedures.

ANTICIPATED SCHEDULE: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers'

Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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 to electronic filing requirements.

ANTICIPATED SCHEDULE: Fall 2021

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); §221(4)

PURPOSE: Clarify procedures for coordinating benefits.

ANTICIPATED SCHEDULE: Fall 2021

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); §221(4)

PURPOSE: Review rules to ensure they are up-to-date with the Workers'

Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 10: Attorney's Fees

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §325(3)

PURPOSE: Review rules to ensure they are up-to-date with the Workers'

Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 11: Mediation

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153(6)

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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, including time for filing petitions.

ANTICIPATED SCHEDULE: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; and improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 13: Appellate Division

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

PURPOSE: Amend procedures for Appellate Division.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 13: Appellate Division

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

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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 penalties.

ANTICIPATED SCHEDULE: Fall 2021

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: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 16: Confidentiality of Files

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

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 17: Expenses and Fees

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312, §315

PURPOSE: Update expenses.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 17: Expenses and Fees

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312, §315

PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.

ANTICIPATED SCHEDULE: Fall 2021

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

CHAPTER 18: Examination By Impartial Physician(s) Pursuant to 39-A M.R.S.A. Sec. 611

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §312,
PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; improve operation of the rule.
ANTICIPATED SCHEDULE: Fall 2021
AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 19: Worker Advocates

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)
PURPOSE: Worker Advocate case management authority.
ANTICIPATED SCHEDULE: Fall 2021
AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

CHAPTER 19: Worker Advocates

STATUTORY AUTHORITY: 39-A M.R.S. §152(2), §153-A(7)
PURPOSE: Review rules to ensure they are up-to-date with the Workers' Compensation Act; eliminate unnecessary provisions; and add provisions that will improve this rule and the operation the Board.
ANTICIPATED SCHEDULE: Fall 2021
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), §105, §105-A, §324(3)
PURPOSE: Establish procedures regarding independent contractors, misclassification of employees.
ANTICIPATED SCHEDULE: Fall 2021
AFFECTED PARTIES: Injured employees, employers, self-insured employers, insurance companies, third-party administrators, health care providers, attorneys

June 10, 2021

Date

Richard N. Hewes

Richard N. Hewes
General Counsel
Workers' Compensation Board

Wismer, Don

From: Hutchins, Deborah
Sent: Thursday, June 17, 2021 9:00 AM
To: Wismer, Don
Subject: WCB Regulatory Agenda
Attachments: Regulatory Agenda 2021-2022.docx

Hi Don,

Attached for filing is the Regulatory Agenda for the Workers' Compensation Board. Please let me know if you need anything further.

Thank you,
Debi

Deborah McGarr Hutchins
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