

Department Series Report

90: Independent Agencies - Regulatory

Description	Media	Last Updated	In Agency Retention	Rec Center Retention	Disposition	Status
351#:Workers Compensation Board						
Schedule #: 136 2#:First Report of Accident						
Report sent to commission for job related accident but no lost work time. Retention counted close of case.	Paper	9/26/1975 Years	2	No Retention 0	Destroy	Current
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Schedule #: 136 3#:Completed Claim						
First report plus other reports and correspondence where settlement is finalized by a lump sum settlement. Retention counted from close of case.Claims with dates of injury prior to 10-17-91	Paper	9/28/1990 Years	10		Destroy	Current
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First report plus other reports and correspondence where settlement is finalized by a lump sum settlement. Retention counted from close of case.Claims with dates of injury on or after 10-17-91	Paper	9/28/1990 Years	6		Destroy	Current
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Schedule #: 136 4#:Long Term Claim						
First report plus other reports and correspondence where time is lost from work. Claims with dates of injury prior to 10-17-91	Paper	9/26/1975 Years	10		Destroy	Current
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First report plus other reports and correspondence where time is lost from work. Claims with dates of injury on or after 10-17-91	Paper	9/26/1975 Years	6		Destroy	Current
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Schedule #: 356 5A:1 AWC Cards (Insurance Coverage)						
Insurance coverage information	Paper	9/10/1993 Years	5	Years	Destroy	Current
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Schedule #: 356 5B:1 AWC Cards (Insurance Coverage for Self-Insured Employers - Bonds)						
Insurance coverage information	Paper	9/10/1993 Years	5	5	Destroy	Current
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Schedule #: 370 6#:Appellate Division - Records on Appeal						

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Appellate Division records on appeal and briefs filed by the parties.	Paper	8/9/1985	Years 1	Years 9	Destroy	Current
Schedule #: 527 7#:Case Files - Unit of Abuse Investigation						
First Report of Abuse Complaint, Investigators Case Activity Sheet, Statement of Accused or suspected person, Disposition Summary Form, Complaint Log, and related correspondence and monthly statistical form. Upon receipt of a verified complaint, a case file is established & the complaint is investigated. Complaints refer to specific insurers.	Paper	8/8/1986	Years 1	Years 9	Destroy	Current
Schedule #: 527 8#:Correspondence - Unit of Abuse Investigation						
Letters of complaint against specific insurers.Retention runs from date of abuse unit decision.	Paper	8/8/1986	Years 2	Years 3	Destroy	Current
Schedule #: 880 9#:Inactive Purge Claims						
SS# reference to claims which have been taken off the computer system. Name X reference and complete listing of purge claim. Keep in agency 10 years after last payment.	Computer Output Microfilm	10/19/1990	Years 10	No Retention 0	Destroy	Current
SS# reference to claims which have been taken off the computer system. Name X reference and complete listing of purge claim. Keep in agency 10 years after last payment.	Magnetic Tape	10/19/1990	Years 10	No Retention 0	Destroy	Current
SS# reference to claims which have been taken off the computer system. Name X reference and complete listing of purge claim. Keep in agency 10 years after last payment.	Computer Printout	10/19/1990	Years 10	No Retention 0	Destroy	Current
Schedule #: 896 10#:Vocational Rehabilitation Files (WCC)						
The agency monitors, regulates and adjudicates rehabilitation providers. File includes: medical reports, narrative rehabilitation reports, job descriptions and bills for services.	Digital File	3/3/2020	Years 6	No Retention 0	Destroy	Current
Schedule #: 1165 12#:Law Court Cases (Workers' Compensation)						

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Any Workers' Compensation case in which a decision/order is appealed to a Law Court. Hearing Officer's/Board's decision/order which is appealed, request to file appeal; Petition for Appellate Review; Response to Petition; Law Court order denying/granting review; Appellant's Brief; Law Court decision; and related correspondence. Keep in agency until closed plus 1 year.	Paper	6/2/1995	Years	1	Years 6	Destroy Current
Schedule #: 1346 13#:Worker Advocate Files						
Electronic consists of PII for clients, emails, case notes, a list of parties linked to the case, and an electronic "tickler" calendar.	Digital File	6/14/2016	Years	10	No Retention 0	Destroy Current
The Legislature has established Worker Advocate Offices throughout the state to defend workers compensation victims as insurers are routinely turning down victims. Worker Advocate files include: medical file, pleadings and related correspondence. Retention begins after case is closed.	Mixed	3/15/2021	No Retention	0	Years 10	Destroy Current
Worker Advocate Files consist of 2 parts: 1) a paper litigation file, and 2) an electronic case file in the Board's legal case management software.						
Paper includes the litigation file containing pleadings, medical records and correspondence. Mixed media includes paper records, digital records scanned into OnBase and physical media.						
Paper records are transferred to the State Records Center. They will be kept until scanned and verified by Records Management then destroyed. Full Records Center retention time of 10 years will be applied to digital records stored in OnBase at the State Records Center.						
Schedule #: 1714 20#:Proof of Coverage Forms						

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Description	Media	Last Updated	In Agency Retention	Rec Center Retention	Disposition	Status
<p>Proof of Coverage Forms are submitted by insurance companies to document proof of workers compensation insurance coverage. All employers with employees in the State of Maine are required by law to either have workers' compensation insurance or file with the Bureau of Insurance proof of self insurance. These forms are effective for a period of one year and are kept on file for the effective policy year. This information is kept on the workers' compensation board data base.</p> <p>The Workers' Compensation Board keeps this record in case questions arise for a policy period. They are also used by the Monitoring, Audit and Enforcement Unit to establish if a fine should be issued for late coverage.</p> <p>Proof of coverage forms are batch filed by the week so a typical file would contain all forms received for the week.</p>	Paper	1/19/2007	Years 50	0	Destroy	Current
<p>Proof of Coverage Forms are submitted by insurance companies to document proof of workers compensation insurance coverage. All employers with employees in the State of Maine are required by law to either have workers' compensation insurance or file with the Bureau of Insurance proof of self insurance. These forms are effective for a period of one year and are kept on file for the effective policy year. This information is kept on the workers' compensation board data base.</p> <p>The Workers' Compensation Board keeps this record in case questions arise for a policy period. They are also used by the Monitoring, Audit and Enforcement Unit to establish if a fine should be issued for late coverage.</p> <p>Proof of coverage forms are batch filed by the week so a typical file would contain all forms received for the week.</p>	Hard Disk	1/19/2007	Years 50	0	Destroy	Current

Schedule #: 1715 21#:Waivers (of benefits and provided by the workers compensation laws)

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Description	Media	Last Updated	In Agency Retention	Rec Center Retention	Disposition	Status
<p>Waivers are submitted to the Workers' Compensation Board by insurance companies, insurance agents and employers. A waiver establishes if a workers' compensation policy is needed based on a persons position in a company or relationship to the owner of a company. By law an individual can waive his/her the benefits and privileges provided by the workers' compensation laws if certain requirements are met.</p> <p>Copies of the waivers are kept in case a business, agent or insurance carrier needs proof of an approved waiver. The records are used by insurance coverage personnel, agents and insurance carriers as well as the Abuse Investigation Unit.</p> <p>A typical file contains an application filed by the person requesting the waiver and a copy of the approved waiver.</p>	Hard Disk	1/19/2007	Years 50	0	Destroy	Current

Schedule #: 1716 22#:Predetermination of Independent Contractor Status

<p>Workers' Compensation Board law allows an employer to submit an application for predetermination of independent contractor status which when approved states that there is no employer employee relationship between the two parties. There are three types of applications. 1) A landowner or landowner's agent files a conclusive application which when approved established there is no employer/employee relationship between a landowner and the person harvesting wood on the landowner's property. 2) An applicant files a rebuttable application for a contractor performing a specific job. For example, a general contractor contracts with a painter to paint a house and 3) A wood harvester files for a certificate of independent contractor status. When approved the wood harvester can harvest wood on any landowner's property and not be considered an employee or require workers' compensation insurance. A landowner, wood harvester or individual hiring the independent contractor completes the application, it is signed by all parties and mailed to the Workers' Compensation Board for review. A decision is issued approving or denying the request and sent to both parties. The decision or approved predetermination is effective for up to one year. The approved request means that the applicant does not have to provide workers compensation insurance for the contractor.</p> <p>A typical file contains the original application and a copy of the approved or denied decision.</p>	Paper	1/19/2007	Years 3	0	Destroy	Current
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Schedule #: 1718 23A:Compliance Reports (a bound report of activity by insurance entities on form filing)

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Description	Media	Last Updated	In Agency Retention	Rec Center Retention	Disposition	Status
<p>The Legislature enacted P.L. 1997, Chapter 486 which created the Office of Monitoring, Audit and Enforcement. The Monitoring Division monitors the compliance of insurers, self-insureds, and third-party administrators (insurance community) with the Maine Workers' Compensation Act, Title 39-A M.R.S.A.</p> <p>The Monitoring Division creates compliance-related reports and manages the data quality and transfer of that information between the insurance community and the Workers' Compensation Board. The information is used by the Monitoring Division to compile quarterly and annual compliance reports that are issued to the Workers' Compensation Board, the Legislature, the insurance community and the public. The information is also used to file Complaints for Audit against insurers who display poor compliance and is also used as evidence in legal proceedings to identify "Questionable Claims Handling Practices" and "Willful Violations of the Act".</p> <p>The Agency keeps these records to support future Workers' Compensation Board audits as well as market conduct exams conducted by the Bureau of Insurance on referral from the Workers' Compensation Board.</p>	Paper	1/19/2007	Years 5	0	Destroy	Current
<p>The Legislature enacted P.L. 1997, Chapter 486 which created the Office of Monitoring, Audit and Enforcement. The Monitoring Division monitors the compliance of insurers, self-insureds, and third-party administrators (insurance community) with the Maine Workers' Compensation Act, Title 39-A M.R.S.A.</p> <p>The Monitoring Division creates compliance-related reports and manages the data quality and transfer of that information between the insurance community and the Workers' Compensation Board. The information is used by the Monitoring Division to compile quarterly and annual compliance reports that are issued to the Workers' Compensation Board, the Legislature, the insurance community and the public. The information is also used to file Complaints for Audit against insurers who display poor compliance and is also used as evidence in legal proceedings to identify "Questionable Claims Handling Practices" and "Willful Violations of the Act".</p> <p>The Agency keeps these records to support future Workers' Compensation Board audits as well as market conduct exams conducted by the Bureau of Insurance on referral from the Workers' Compensation Board.</p>	Hard Disk	1/19/2007	Years 5	0	Destroy	Current

Schedule #: 1718 23B:Monitoring Files (three-part reconciliation report reflecting entity errors on form filings)

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Description	Media	Last Updated	In Agency Retention	Rec Center Retention	Disposition	Status
<p>The Legislature enacted P.L. 1997, Chapter 486 which created the Office of Monitoring, Audit and Enforcement. The Monitoring Division monitors the compliance of insurers, self-insureds, and third-party administrators (insurance community) with the Maine Workers' Compensation Act, Title 39-A M.R.S.A.</p> <p>The Monitoring files consists of a three-part reconciliation report, which is a report reflecting what errors entities have made over any given quarter, such as missing information on forms that were filed with the Workers' Compensation Board. The information is also used to file Complaints for Audit against insurers who display poor compliance and is also used as evidence in legal proceedings to identify "Questionable Claims Handling Practices" and "Willful Violations of the Act".</p> <p>The Agency keeps these records to support future Workers' Compensation Board audits as well as market conduct exams conducted by the Bureau of Insurance on referral from the Workers' Compensation Board.</p>	Paper	1/19/2007	Years 5	0	Destroy	Current
<p>The Legislature enacted P.L. 1997, Chapter 486 which created the Office of Monitoring, Audit and Enforcement. The Monitoring Division monitors the compliance of insurers, self-insureds, and third-party administrators (insurance community) with the Maine Workers' Compensation Act, Title 39-A M.R.S.A.</p> <p>The Monitoring files consists of a three-part reconciliation report, which is a report reflecting what errors entities have made over any given quarter, such as missing information on forms that were filed with the Workers' Compensation Board. The information is also used to file Complaints for Audit against insurers who display poor compliance and is also used as evidence in legal proceedings to identify "Questionable Claims Handling Practices" and "Willful Violations of the Act".</p> <p>The Agency keeps these records to support future Workers' Compensation Board audits as well as market conduct exams conducted by the Bureau of Insurance on referral from the Workers' Compensation Board.</p>	Hard Disk	1/19/2007	Years 5	0	Destroy	Current
<p>Schedule #: 1719 24A:Audit Working Papers and Reports</p>						

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Description	Media	Last Updated	In Agency Retention	Rec Center Retention	Disposition	Status
<p>The Legislature enacted P.L. 1997, Chapter 486 which created the Office of Monitoring, Audit and Enforcement. The Audit Division supports the Office of Monitoring, Audit and Enforcement by auditing the compliance of insurers, self-insureds, and third-party administrators with the Maine Workers' Compensation Act, Title 39 A M.R.S.A.</p> <p>The auditor conducts either a desk audit or an on-site audit. Audit working papers are defined by statute as "all documentary and other information acquired, prepared or maintained by the Workers' Compensation Board during the conduct of an audit or investigation, including all intra-agency and interagency communications relating to an audit or investigation and draft reports or any portion of a draft report." A typical file contains the auditor's working papers and the final audit report including the underlying reconciled information (sample attached). The files are used to gather information regarding the audited entity's compliance with the Maine Workers' Compensation Act. During the course of an audit, the audit files are shared with the client.</p> <p>Once the audit is completed, the auditor prepares an audit report reflecting any statutory violations and penalties due. Per statute, the final audit report, including the underlying reconciled information, is not confidential.</p> <p>The Agency keeps these records to support future Workers' Compensation Board audits as well as market conduct exams conducted by the Bureau of Insurance on referral from the Workers' Compensation Board.</p>	Paper	1/19/2007	No Retention 0	Years 3	Destroy	Current
