

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 39-A MRSA §153, sub-§10 is enacted to read:

10. Investigation of extent and causation of work-related injuries. The board shall expend annually to the extent necessary up to a maximum amount equal to the average annual amount expended from 1992 to 2006 on physician or medical examiner fees pursuant to former sections 207 and 312 in order to pay the fees of independent medical examiners the board shall appoint to determine the extent and causation of work-related injuries, and to provide a report on the extent and causation of work-related injuries, when such is at issue in a workers' compensation claim.

Sec. 2. 39-A MRSA §154, sub-§6, ¶A, as enacted by PL 2007, c. 240, Pt. LL, §1, is amended to read:

A. The assessments levied under this section may not be designed to produce more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year, more than \$6,735,000 beginning in the 1999-00 fiscal year, more than \$7,035,000 in the 2001-02 fiscal year, more than \$6,860,000 beginning in the 2002-03 fiscal year, more than \$8,390,000 beginning in the 2003-04 fiscal year, more than \$8,565,000 beginning in the 2004-05 fiscal year, more than \$8,525,000 beginning in the 2005-06 fiscal year, more than \$9,820,178 beginning in the 2007-08 fiscal year, more than ~~\$10,000,000~~\$15,600,000 beginning in the 2008-09 fiscal year, more than ~~\$10,400,000~~\$16,000,000 beginning in the 2009-10 fiscal year, more than ~~\$10,800,000~~\$16,400,000 beginning in the 2010-11 fiscal year or more than ~~\$11,200,000~~\$16,800,000 beginning in the 2011-12 fiscal year. Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year, \$6,735,000 beginning in the 1999-00 fiscal year, \$7,035,000 in fiscal year 2001-02, \$6,860,000 beginning in the 2002-03 fiscal year, \$8,390,000 beginning in the 2003-04 fiscal year, \$8,565,000 beginning in the 2004-05 fiscal year, \$8,525,000 beginning in the 2005-06 fiscal year, \$9,820,178 beginning in the 2007-08 fiscal year, ~~\$10,000,000~~\$15,600,000 beginning in the 2008-09 fiscal year, ~~\$10,400,000~~\$16,000,000 beginning in the 2009-10 fiscal year, ~~\$10,800,000~~\$16,400,000 beginning in the 2010-11 fiscal year or ~~\$11,200,000~~\$16,800,000 beginning in the 2011-12 fiscal year by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget.

Sec. 3. 39-A MRSA §207, as amended by PL 2001, c. 278, §§1 and 2, is repealed.

Sec. 4. 39-A MRSA §209, sub-§3, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

3. Limitation on reimbursement. In order to qualify for reimbursement for health care services provided to employees under this Title, health care providers providing individual health care services and courses of treatment may not charge more for the services or courses of treatment for employees than is charged to private 3rd-party payors for similar services or courses of treatment. An employer is not responsible for charges that are determined to be excessive or treatment determined to be inappropriate by an independent medical examiner appointed pursuant to section ~~312~~153, subsection 10 or by the insurance carrier, self-insurer or group self-insurer pursuant to section 210, subsection 7 or the board pursuant to section 210, subsection 8.

Sec. 5. 39-A MRSA §312, as amended by PL 2005, c. 24, §§1 and 2, is repealed.

Sec. 6. 39-A MRSA §355-C, sub-§6, as enacted by PL 2001, c. 448, §5, is amended to read:

6. Effect of independent medical examiner's report . The fund is bound to the same extent as the employee and the insurer or self-insurer by findings contained in an independent medical examiner's report provided pursuant to section ~~312~~153, subsection 10.

Sec. . 39-A MRSA §611, first ¶, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

On request of a party or on its own motion the board may in occupational disease cases appoint one or more competent and impartial physicians. Upon order of the board, the fees and expenses of the health care provider or health care providers must be paid by the employer. These appointees shall examine the employee and inspect the industrial conditions under which the employee has worked in order to determine the nature, extent and probable duration of the occupational disease, the likelihood of its origin in the industry and the date of incapacity. ~~Section 207 applies to the filing and subsequent proceedings on the report of the appointees and to examinations and treatments by the employer.~~

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board 0183

Initiative: Allocates funds to the Workers' Compensation Board beginning in fiscal year 2008-09 for the cost associated with paying the fees of independent medical examiners to determine the extent and causation of work-related injuries that are at issue in workers' compensation claims.

| OTHER SPECIAL REVENUE FUNDS | 2007-08 | 2008-09 |
|--|----------------|--------------------|
| All Other | \$0 | \$5,600,000 |
| | <hr/> | <hr/> |
| OTHER SPECIAL REVENUE FUNDS TOTAL | \$0 | \$5,600,000 |

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Labor. It requires the Workers' Compensation Board to expend resources to pay independent medical examiner fees to determine the extent and causation of work-related injuries.

The amendment increases the assessments that the board may levy against insurers. The amendment also adds an appropriations and allocations section and corrects cross-references to repealed sections of law.

FISCAL NOTE REQUIRED

(See attached)