



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

---

Legislative Document

No. 1056

H.P. 791

House of Representatives, March 15, 2011

---

**An Act To Increase the Availability of Independent Medical  
Examiners under the Workers' Compensation Act of 1992**

---

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative HAMPER of Oxford.  
Cosponsored by Senator GOODALL of Sagadahoc and  
Representatives: DOW of Waldoboro, FITZPATRICK of Houlton, FOSSEL of Alna, OLSEN  
of Phippsburg, PRESCOTT of Topsham, TUTTLE of Sanford, Senator: SNOWE-MELLO of  
Androscoggin.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 39-A MRSA §312, sub-§2**, as amended by PL 2005, c. 24, §1, is further  
3 amended to read:

4 **2. Duties.** An independent medical examiner shall render medical findings on the  
5 medical condition of an employee and related issues as specified under this section. The  
6 independent medical examiner in a case may not be the employee's treating health care  
7 provider and may not have treated the employee with respect to the injury for which the  
8 claim is being made or the benefits are being paid. Nothing in this subsection precludes  
9 the selection of a provider authorized to receive reimbursement under section 206 to  
10 serve in the capacity of an independent medical examiner. Unless agreed upon by the  
11 parties, a physician who has examined ~~an~~ the employee to be examined at the request of  
12 an insurance company, employer or employee in accordance with section 207 during the  
13 previous 52 weeks is not eligible to serve as an independent medical examiner.

14 **SUMMARY**

15 Under current law, if a physician has examined an employee of a company at the  
16 request of an insurance company, employer or employee in accordance with the Maine  
17 Revised Statutes, Title 39-A, section 207 during the previous 52 weeks then that  
18 physician is not eligible to be an independent medical examiner. This bill amends the law  
19 by limiting the 52-week prohibition to a prohibition against the examination of a specific  
20 employee who previously has been examined by the physician.