**90-351**

**WORKERS’ COMPENSATION BOARD**

**2020-2021 Regulatory Agenda**

August 18, 2020

AGENCY UMBRELLA-UNIT NUMBER: **90-351**

AGENCY NAME: **Workers’ Compensation Board**

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**EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA:** None

**EXPECTED 2020-2021 RULEMAKING 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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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 2020

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