

MAE News

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

Fall 2015

Volume 11, Number 3



Paul H. Sighinolfi
Executive Director/Chair

Office of Monitoring,
Audit and Enforcement
Maine Workers'
Compensation Board
27 State House Station
Augusta, Maine 04333

Contacts:

Kimberlee Barriere
Deputy Director
(207) 287-7031

E-mail
Kimberlee.Barriere@Maine.Gov

Anne Poulin
Secretary Associate
(207) 287-7067

E-mail
Anne.Poulin@Maine.Gov

Website:
www.maine.gov/wcb/

Compliance Training for Employers/Insurers

The next open training sessions are scheduled for January 28-29 at the Maine Department of Labor, 45 Commerce Drive in Augusta. Please contact Anne Poulin to reserve a spot at one of these sessions.

The Board continues to be busy performing on-site training for insurers, self-insurers, and third party administrators. If you would like information about on-site training for your organization, please contact Gordon Davis.

Training modules are also available on the Board's website by clicking on the "Monitor/Audit/Enforcement" link on the left side, then click on "Training."

Completion of M-1 Forms

The Audit Division has received several inquiries regarding the completion of the M-1 form and Board Rules and Regulations Chapter 8, § 11 which governs reductions or discontinuances pursuant to 39-A M.R.S.A. § 205(9)(A).

As provided in subsection 2, an employer may discontinue benefits regardless of the employee's actual earnings if:

- the employee returns to work without restrictions or limitations, due to the injury for which benefits are being paid, according to the employee's treating health care providers; and,
- there are no conflicting medical records with respect to the lack of restrictions or limitations due to the injury for which benefits are being paid.

If "Regular Duty" is indicated on the form, the section regarding restrictions should be left blank by the provider. Conversely, if any restrictions are identified on the form, then "Regular Duty" should not be checked off. Please refer providers that are completing the form incorrectly to the Office of Medical/Rehabilitation Services by emailing Kimberlee Barriere.

Department of Labor Offering Workplace Safety Classes in November

The Maine Department of Labor's Bureau of Labor Standards is hosting its no-charge safety courses for employers and employees throughout November. Visit the class registration page or call 1-877-SAFE 345 (1-877-723-3345) to register for any class.

"Maine's SafetyWorks! program continues to educate businesses and employees about hazards in the workplace," said Governor Paul R. LePage. "These no-cost classes teach everyone how they can prevent work-related illnesses, injuries, and deaths. I encourage you to visit safetyworksmaine.com to learn more and see their calendar of upcoming classes."

Courses are held at no charge to employers and their employees in the SafetyWorks! Training Institute at the Maine Department of Labor, 45 Commerce Drive in Augusta unless otherwise noted.

From the Office of Medical and Rehabilitation Services

A document of frequently asked questions and answers regarding the new medical fee schedule effective 10/1/15 is now posted to the Board's website: http://www.maine.gov/wcb/Departments/omrs/medfeesched/mfs_faq.docx.

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Dispute Resolution Services

New Petitions for Payment of Medical and Related Services

Board petitions 190, Petition for Payment of Medical and Related Services and 190-A, Provider's Petition for Payment of Medical and Related Services have been revised and are available in a form fillable format on the Board's website.

Please pay particular attention to provision #3. Petitioners are specifically instructed to attach bills and not provider statements. Please contact providers and request actual billing forms for the dates of service on the provider statement.

Claims Management Unit Reminder

Overestimated Wages and Subsequent Reduction of Benefits

Please remember that reductions in all circumstances other than the return to work or increase in pay of the employee require the filing of the WCB-8, 21-day Certificate of Discontinuance or Reduction or a petition. This includes the circumstance where the original AWW and WCR were overestimated. Do not reduce the WCR unilaterally!

Per Title 39-A M.R.S.A. Section 205(9)(B), "In all circumstances other than the return to work or increase in pay of the employee under paragraph A, if the employer, insurer or group self-insurer determines that the employee is not eligible for compensation under this Act, the employer, insurer or group self-insurer may discontinue or reduce benefits **only** in accordance with this paragraph.

(1) If no order or award of compensation or compensation scheme has been entered, the employer, insurer or group self-insurer may discontinue or reduce benefits by sending a certificate by certified mail to the employee and to the board, together with any information on which the employer, insurer or group self-insurer relied to support the discontinuance or reduction. The employer may discontinue or reduce benefits no earlier than 21 days from the date the certificate was mailed to the employee, except that benefits paid pursuant to section 212, subsection 1 or section 213, subsection 1 may be discontinued or reduced based on the amount of actual documented earnings paid to the employee during the 21-day period if the employer files with the board the documentation or evidence that substantiates the earnings and the employer only reduces or discontinues benefits for any week for which it possesses evidence of such earnings. The certificate must advise the employee of the date when the employee's benefits will be discontinued or reduced, as well as other information as prescribed by the board, including the employee's appeal rights.

(2) If an order or award of compensation or compensation scheme has been entered, the employer, insurer or group self-insurer shall petition the board for an order to reduce or discontinue benefits and may not reduce or discontinue benefits until the matter has been resolved by a decree issued by a hearing officer. The employer, insurer or group self-insurer may reduce or discontinue benefits pursuant to such a decree pending a motion for findings of fact and conclusions of law or pending an appeal from that decree. Upon the filing of a petition, the employer may discontinue or reduce the weekly benefits being paid pursuant to section 212, subsection 1 or section 213, subsection 1 based on the amount of actual documented earnings paid to the employee after filing the petition. The employer shall file with the board the documentation or evidence that substantiates the earnings and the employer may discontinue or reduce weekly benefits only for weeks for which the employer possesses evidence of such earnings.