

Workers' Compensation Training Perspectives

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

February 2016

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The general mission of the Maine Workers' Compensation Board is to serve the employees and employers of the State fairly and expeditiously by ensuring compliance with the workers' compensation laws, ensuring the prompt delivery of benefits legally due, promoting the prevention of disputes, utilizing dispute resolution to reduce litigation and facilitating labor-management cooperation.

Compliance Training for Employers/Insurers

Seventeen people attended the January open training session last month, a much better turnout than our January 2015 snowy session for which only six showed up! Future open training sessions are scheduled in Augusta for **April 21-22**, **June 23-24**, and **October 27-28**, and are free as always. To reserve a spot in any of these, contact Kimberly Ward, contact information at left.

SPECIAL ALERT! Due to numerous requests the Board has scheduled two **Medical Fee Schedule** training sessions for claims administrators and payors for **April 5 and 6, 2016** in Augusta at the SafetyWorks! Institute at the Dept. of Labor at 45 Commerce Drive (the same place the Board holds the open training sessions). MFS guru Kimberlee Barriere will be leading the class, which is free with materials provided. Claims administrators should all be familiar with the Medical Fee Schedule - we now check compliance with the MFS in audit. Please contact Kimberly Ward to reserve a spot, space is limited.

Interested in on-site training? The Board has already scheduled several on-site sessions for March and April. These one-day sessions are very popular and are free within Maine and provided outside Maine for the cost of travel. If you are within driving distance – New England, New York, New Jersey, and eastern Pennsylvania – Gordon will try to schedule two or three stops per trip and significantly reduce the cost. For example, he has scheduled a 3-stop “road trip” to the Philadelphia area in April which will cut the cost to each company nearly in half versus a one-session trip. Contact Gordon Davis (contact information at left) if you would like to know more about on-site training and he will try to make it work! March and April are booked, but May and beyond are pretty much open – for now.

Training modules on the Board's web site have been updated. New modules have also been added. Please check them out!

<http://www.maine.gov/wcb/Departments/mae/trainingmodules.html>

And finally, the Board also offers a half-day on-site training session for employers, again free within Maine. Do you have employers that could use a short course on the Maine workers' compensation system and the importance of providing timely and accurate information to the insurer? Contact Gordon Davis about scheduling a session.

Personnel Changes

Board Secretary Associate Anne Poulin has retired after 43 years of service with the State of Maine, the last 22 of those years with the Workers' Compensation Board. Her duties have been taken over by Kimberly Ward, who is getting up to speed quickly. We wish Anne a long and happy retirement and welcome Kimberly to the Board!

Seanna Crasnick has been promoted to Deputy General Counsel, and is in charge of the Monitoring, Audit, and Enforcement (MAE) unit. Seanna will assume some of the duties formerly handled by Kimberlee Barriere, Deputy Director, Office of Medical/Rehabilitation Services.

Dan Harrington has transferred from the Claims Management Unit and moved a few doors up the hall to the Monitoring division, replacing Eben Gilman.

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The Board welcomes your feedback, suggestions, and other input regarding this publication or its training program. Please email Gordon Davis with your comments.

Improper Discontinuances

Improper discontinuances continue to plague claim administrators during audits. Please remember:

- If the employee returns to work with other than the employer of injury, or refuses to return to work, a WCB-8 21-day certificate must be used to discontinue benefits, even with a full-duty release.
- If the employee returns to work with restrictions (with the employer of injury), he/she must earn at or above AWW in order to be discontinued. Don't rely on the employer telling you they are at "full pay," verify the wages. The auditor is going to check them in audit, and §205(3) penalties will be assessed for unpaid obligations.
- If there is concurrent employment, and no order, award, or compensation scheme, a WCB-8 21-day certificate must generally be filed to discontinue benefits. The exception would be if the injured employee returned to work with the employer of injury at or above his/her combined AWW from all employers.

From the (e)Mail Bag – Questions from Adjusters

Q: Upon receiving wage information, I discovered the provisional compensation rate being paid is higher than the actual rate and issued a WCB-8 21-day reduction on 12/1, effective 12/22. On 12/10 the injured employee returned to work with the employer of injury with a full duty release. Must I pay the full 21 days before doing a WCB-4 discontinuance?

A: Yes, once the 21-day reduction is issued, the full 21 days must be paid. Offsets can be taken for wages earned.

Q: Does a Wage Statement need to be filed if the waiting period is not exceeded?

A: The Wage Statement (and Fringe Benefit Worksheet) is due 30 days from the employer's notice or knowledge of a claim for compensation (box 22 of the Memorandum of Payment WCB-3 or box 20b of the Notice of Controversy WCB-9). If the claim does not become compensable, and no lost-time NOC is filed, the Wage Statement and Fringe Benefits Worksheet need not be filed. Best practice is to have the employer complete the forms and retain them in the event the claim does become compensable.

From the Claims Management Unit

- Please remember to include documentation with form WCB-8 justifying the discontinuance or reduction of benefits. Failure to do so will result in a new WCB-8 needing to be filed.
- When calculating AWW pursuant to §102(4)(B), remember you must exclude the week of injury and week of hire (if it falls within the 52 week period) if either or both result in a lower AWW. Do not exclude week 1 on the Wage Statement unless it is the week of hire.
- If reporting wages bi-weekly, be careful not to enter two weeks in box 1 and end up with 53 weeks on the report. Remember that actual earnings should be shown for the week of injury. Remember to show and exclude weeks with no earnings.