

Summer 1-1-2010

MAE News: Newsletter from the Office of Monitoring, Audit and Enforcement, Summer 2010

Maine Workers' Compensation Board

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Fall Training Sessions

The MAE Program's fall open training sessions will take place on **October 27-28, 2010** in the Department of Agriculture's third floor conference room located in the Deering Building (90 Blossom Lane) on the State's Augusta East Side Campus. (This is the same building where the Workers' Compensation Board's Central Office is located.)

The October 27th session will present the Basic Compliance program that includes basic forms and payment compliance training. The October 28th session will present the Advanced Compliance program that includes AWW and partial benefit calculation training followed by a group case study.

To sign up for one or more of these sessions, or if your company is in need of personalized training on form filing or other compliance issues, contact Anne Poulin.

Looking to Increase Your MOP Filing Compliance?

Keep an Eye Out for Days Mail Did Not Move! Mail did not move on the following dates: April 19, April 20, May 28 and May 31 due to holidays and mandated State shutdowns.

If you had a MOP that appears late on your quarterly report due to the mail not moving, you can ask your contact within the Monitoring Division to reconsider your measurement. Not sure of your contact? If not, contact Anne Poulin.

Office of Medical and Rehabilitation Services Reminder

WCB Rules and Regulations Chapter 8, Section 14 states "All parties shall utilize forms and instructions prescribed by the Board."

The employer or insurer may use Form WCB-220, the Limited Certificate Authorizing Written Release of Medical/Health Care Information to obtain from any health care provider, after payment to the provider of a reasonable fee, any written information only which is or has been prepared in connection with the examination or treatment regardless of date which relates to the specific body part(s) or condition(s) listed on the form. This release does NOT permit the release of any information regarding psychological, substance abuse, sexually transmitted disease treatment, testing, or counseling and does NOT authorize oral communication with or by any health care provider.

The employer/insurer must complete all informational areas of this form (except for "Employee Signature" and "Date") before asking the employee to sign, date and return the form to them. This release is not valid without the employee's signature (or the signature of a person who has power of attorney for the injured employee). The form is a three-part form that is to be distributed as follows: Copy 1 to the Employee, Copy 2 to the Insurer, Copy 3 to the Employer.

If you have questions regarding this form, please contact Betty Inman at (207) 941-4557 or Betty.Inman@Maine.Gov.



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Employment Reminders

Section 308(1). Return to employment. Any person receiving compensation under this Act who returns to employment or engages in new employment after that person's injury shall file a written report of that employment with the board and that person's previous employer within 7 days of that person's return to work. This report must include the identity of the employee, the employee's employer and the amount of weekly wages or earnings received or to be received by the employee. The board shall send the employee notice of the employee's responsibility to notify the board and the employer when the employee returns to work and the employee's responsibility to submit the reports required under this section.

The employer or insurer must mail Form WCB-231, the Employee's Return to Work Report, to the employee when filing the Memorandum of Payment, WCB-3, pursuant to 39-A M.R.S.A. §205(7). The employee completes boxes 20 and 21 of this form and files it with the employer (box 2) and the insurer (box 4) within seven days of his or her return to work with a new or different employer.

The Employee's Return to Work Report is a four-part form that is to be distributed as follows:

Copy 1 to the Workers' Compensation Board.
Copy 2 to the Employee.
Copy 3 to the Insurer.
Copy 4 to the Employer.

Section 308(2). Employment status reports. At the previous employer's request, any person receiving compensation under this Act who has not returned to that person's previous employment must submit quarterly employment status reports to that employer. The report is due 90 days after the date of injury, or after the filing of the report under subsection 3, and every 90 days thereafter. The report must be in a form prescribed by the board and must indicate whether the employee has been employed, changed employment or performed any services for compensation during the previous 90 days, the nature of the employment or services, the name and address of the employer or person for whom the services were performed and any other information that the board by rule may require. Any employer requesting a quarterly report under this subsection must provide the employee with the prescribed form at least 15 days prior to the date on which it is due.

The employer or insurer may send Form WCB-230, the Employment Status Report, to an employee receiving compensation for completion of boxes 19 and 20. If the employer/insurer chooses to do this, the report is due 90 days after the date of injury and every 90 days thereafter. The employee must receive the request for completion of boxes 19 and 20 at least 15 days before its due date.

The Employment Status Report is a three-part form that is to be distributed as follows:

Copy 1 to the Employee.
Copy 2 to the Insurer.
Copy 3 to the Employer.

The Board does not receive a copy of this report.

If you have questions regarding these forms, please contact Steve Minkowsky at (207) 287-7059 or Steven.Minkowsky@Maine.Gov.



Cost of Living (COLA) Adjustments

COLA adjustments are applicable to claims with pre 1-1-1993 dates of injury only. The correct COLA application date depends on the date of the injury as follows:

- Injuries prior to 1-1-72 do not receive COLA adjustments.
- All injuries from 1-1-72 through 6-30-83 receive annual COLA adjustments on July 1st.
- All injuries (except those at max at the time of injury) from 7-1-83 through 6-29-85 receive annual COLA adjustments on their own anniversaries. Employees at max at the time of injury receive annual COLA adjustments on July 1st.
- All injuries from 6-30-85 through 11-19-87 (except those at max at the time of injury) receive annual COLA adjustments on their own anniversaries. Employees at max at the time of injury receive annual COLA adjustments on July 1st, but are subject to new annual maximum benefit levels that are effective each August 1st (beginning in 1988).
- All injuries from 11-20-87 through 12-31-92 (except those at max at the time of injury) receive annual adjustments beginning on their third anniversary. Employees at max at the time of injury are not subject to the three year wait and will always receive annual COLA adjustments on July 1st. However, no COLA adjustments are applied for purposes of calculating partial incapacity benefits.

More COLA details and a revised Appendix A are available at:

<http://www.maine.gov/wcb/departments/payments/cola.htm>
http://maine.gov/wcb/departments/mae/formsmanual/Appendix_A_revised_7809.rtf

Claims at "Max"

While there are no COLA adjustments for post **12-31-92** dates of injury (see above), claims being paid at the maximum weekly benefit level (maximum rate) are subject to an inflation adjustment or escalation on or about **7-1** of each year. The maximum for injuries occurring on or after January 1, 1993 is as follows:

January 1, 1993 through June 30, 1999	\$441.00
July 1, 1999 through June 30, 2000	\$441.10
July 1, 2000 through June 30, 2001	\$458.83
July 1, 2001 through June 30, 2002	\$471.76
July 1, 2002 through June 30, 2003	\$491.35
July 1, 2003 through June 30, 2004	\$506.42
July 1, 2004 through June 30, 2005	\$523.20
July 1, 2005 through June 30, 2006	\$542.40
July 1, 2006 through June 30, 2007	\$555.34
July 1, 2007 through June 30, 2008	\$574.08
July 1, 2008 through June 30, 2009	\$596.42
July 1, 2009 through June 30, 2010	\$616.74
July 1, 2010 through June 30, 2011	\$622.20

The Board tracks claims subject to the maximum rate to ensure that injured employees are being paid at the correct rate and to ensure that WCB-4 forms are filed to document any changes in the weekly compensation rate. More maximum rate details and instructions are available at:

<http://www.maine.gov/wcb/departments/payments/saww.htm>

Reminder: Failure to pay accrued weekly benefits within 30 days after becoming due and payable is subject to penalty under Section 205(3).

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