

Summer 1-1-2011

MAE News: Newsletter from the Office of Monitoring, Audit and Enforcement, Summer 2011

Maine Workers' Compensation Board

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

Summer 2011

Volume 7, Number 2



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Office of Monitoring,
Audit and Enforcement

Maine Workers'
Compensation Board

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Fall Training Sessions

The MAE Program's fall open training sessions are full! To be put on a waiting list, please contact Anne Poulin. If we receive enough requests, we will schedule additional training sessions.

From the Office of Medical and Rehabilitation Services MaineCare Reimbursement Reminder

Section 209(4). MaineCare reimbursement. MaineCare must be paid 100% of any expenses incurred for the treatment of an injury of an employee under Title 39-A.

Also, MaineCare requests that payment be made directly to MaineCare rather than to the provider. If you have any questions, please contact:

Catherine Ivey, Reimbursement Specialist
Third Party Liability Unit
DHHS Office of MaineCare Services
In Maine: 1-800-572-3839 X 71941, or direct 207-287-1941
Email: Catherine.Ivey@Maine.Gov

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 1, 18, 19 and May 27 and 30. 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. If you are not sure of your contact, please call or email Anne Poulin.

From the Office of Information Management

Denying a Current Date of Incapacity. You must file a SROI PD transaction in order to deny a Current Date Disability Began (DN144). Remember to update the Date Employer Had Knowledge of Date of Disability (DN0281) to the date the employer had notice or knowledge of the current disability.

EDI Payments. In 2005 the Board embarked on a four phase project to automate the submission of forms via electronic transmission. To date, the First Report of Injury, Denials (Notice of Controversy), and Proof of Coverage have all been automated. Over the next year the Board will tackle the last phase of this process – Payments. The Board will soon work with a representative group from the workers' compensation community to review the trading partner tables in preparation for the rulemaking process. The goal is testing and voluntary submissions by mid 2012 followed by mandatory compliance by early 2013. These are very rough estimates at this time and will be modified as the process picks up speed.

If you have questions, please contact Paul Fortier at (207) 287-3818 or Paul.Fortier@Maine.Gov.

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From the Claims Management Unit

Reminder: Form WCB-8, Certificate of Discontinuance or Reduction of Compensation

Section 205(9). Discontinuance or reduction of payments. Section 205.9.B(1) states, "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 earning. 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."

In plain language, the following criteria must be met for the employee to be discontinued or reduced under 205.9.B(1):

1. No order or award of compensation or compensation scheme has been entered (includes an accepted MOP for the period of incapacity referenced in the WCB-8)
2. The WCB-8, Certificate of Discontinuance or Reduction of Compensation form has been completed (i.e. filing party must use prescribed form)
3. The WCB-8 certificate (along with WCB-231A if applicable^{*}) is sent together with any information on which the employer, insurer or group self-insurer relied to support the discontinuance or reduction
4. The WCB-8 (with attachments) is sent via certified mail to the employee and to the Board's Central Office no less than 21 days prior to the effective date
5. The effective date is no earlier than 21 days from the date the certificate was mailed except that benefits 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 earning.

^{*} Form WCB-231A is only required under the following circumstances apply: (1) when an employee returns to work with a different employer, (2) an employer/insurer has filed a 21-day certificate of discontinuance or a Petition for Review, and (3) when an offset for actual documented earnings is being taken during the 21-day period.

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Reminder: 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.

Reminder: Claims at "Max"

While there are no COLA adjustments for **post 1-1-1993** dates of injury (see above), claims being paid at the maximum weekly benefit level (maximum rate) are subject to an inflation adjustment or escalation 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
July 1, 2011 through June 30, 2012	\$634.13

More details and instructions regarding COLAs and the max rate are available at: <http://www.maine.gov/wcb/departments/payments/saww.htm>. If you have any questions regarding these reminders, please contact, Sherill Creamer at (207) 287-2002 or Sherill.Creamer@Maine.Gov.