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MAE News: Newsletter from the Office of Monitoring, Audit and Enforcement, Fall 2012

Maine Workers' Compensation Board

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MAE News

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

Fall 2012

Volume 8, Number 3



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Compliance Training New State-of-The-Art Training Facility

The Board is pleased to announce that its quarterly open training sessions for 2013 will be held at the Department of Labor building at 45 Commerce Drive in Augusta. This state-of-the-art training facility will enable the Board to accommodate more students, more comfortably, in an environment more conducive to learning. Dates for 2013 are January 24-25, April 25-26, June 20-21, and October 24-25. Please contact Anne Poulin to reserve a spot. The January session is already over half full!

Your feedback has initiated several changes in our training program. Please keep it coming! If you have suggestions or would like to arrange on-site training, please email Gordon Davis at Gordon.Davis@Maine.gov or call him at (207) 287-6327.

From the Office of Medical and Rehabilitation Services Employment Rehabilitation

Employment rehabilitation services can be a cost effective means of actively reintroducing the injured employee into the workplace both with the employer of injury and when the employee will not be able to return to that same employer. Employment rehabilitation services can be voluntarily offered and accepted at any point after a work-related injury or illness.

The Office of Medical and Rehabilitation Services maintains a list of Board-approved rehabilitation providers which is available on its website. A rehabilitation counselor will evaluate the employee to determine the need for and kind of service, treatment or training necessary and appropriate to return the employee to suitable employment. True employment rehabilitation services go far beyond the identification of job leads, resume and cover letter preparation, interview skill building, etc.

The recent program regarding employment rehabilitation at the 2012 Maine Comp Summit hosted by Law Publishers provided the following short list of general times and conditions when employment rehabilitation services should be considered:

- It is anticipated that the employee may be able to return to work with the same employer, but it may be with either short or long-term restrictions.
- It becomes immediately clear that the injured employee will never be able to return to their old employment because of permanent restrictions.
- An injured worker has been out of the workplace for many years. (In general, the cost of employment rehabilitation services is miniscule in comparison to the future exposure in these claims.)

Maine Revised Statutes

The Office of Information Systems and the Office of the Revisor of Statutes recently announced that the online version of the Maine Revised Statutes, reflecting changes made through the Second Regular Session of the 125th Legislature, which adjourned May 31, 2012, is now available at <http://legislature.maine.gov/statutes>.

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NCCI Annual State Advisory Forum

NCCI held its annual Maine State Advisory Forum on October 16, 2012. It reported that overall loss costs have decreased 51% since the early 90's reforms. Further, it cited the following as primary drivers of the proposed loss cost level change:

- Improved claims experience in the latest two experience years
- The growth in average medical costs has subsided in recent years
- A leveling off of Maine's claim frequency following years of decline
- Expected impact of LD 1913 effective 1/1/2013

You can access the full report at:

<https://www.ncci.com/nccimain/Events/MinutesPresentationsMaterials/Pages/StateAdvisoryForumPresentations.aspx>

From the Office of Medical/Rehabilitation Services Attention Providers: M-1 Form Reminders

Except for claims for medical benefits only, within 5 business days the employee's health care provider shall forward to the employer/insurer and the employee the "Initial" Practitioner's Report (Form M-1). A health care provider may charge a fee for completing the initial M-1.

If ongoing medical treatment is being provided, every 30 days the employee's health care provider shall forward to the employer/insurer and the employee a "Progress" report. The employee's health care provider shall submit to the employer/insurer and the employee a "Final" report within 5 working days of the termination of treatment, except that only an initial report must be submitted if the provider treated the employee on a single occasion.

Other than the section designated for the employee, the remainder of the form is to be completed by the health care provider. This information is vital to the administration of the claim and the employee's return to work. Many providers supply the employee with his/her copy at the time of discharge. This form must also be distributed to the employer and insurer directly. For instance, it is not acceptable to give the employer's copy to the employee.

The Board may assess penalties up to \$500 per violation on health care providers who fail to comply with the 5-day requirement for the initial report. In addition, an insurer or self-insurer may withhold payment of fees for the completion of the initial report to any provider who fails to submit the report on the prescribed form within the time limit provided.

Discontinuance or Reduction of Payments Reminders

Unless the employee returns to work without restrictions or limitations 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, reductions and discontinuances pursuant to 39-A M.R.S.A. §205(9)(A) must be based on the employee's actual, not imputed, earnings (i.e. as substantiated by the employee's pay record).

The Discontinuance or Modification of Compensation (WCB-4) shall be filed by the employer or insurer within 14 days after the discontinuance or reduction pursuant to 39-A M.R.S.A. §205(9)(A).

Any questions should be directed to Rick Giffin, Director of Audits at Rick.Giffin@Maine.gov or at (207) 287-8873.