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

Maine Workers' Compensation Board

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MAE News

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

Winter 2010

Volume 5, Number 4



Paul R. Dionne
Executive Director/Chair

Steven P. Minkowsky
Deputy Director of Benefits
Administration

Office of Monitoring, Audit
and Enforcement

Maine Workers'
Compensation Board

27 State House Station
Augusta, Maine 04333

Website:

www.maine.gov/wcb/

Contacts:

Kimberlee Barriere
Director
(207) 287-7031

E-mail
Kimberlee.Barriere@Maine.Gov

Anne Poulin
Secretary Associate
(207) 287-7067

E-mail
Anne.Poulin@Maine.Gov

Spring Training Sessions

The MAE Program's spring open training sessions will take place on **April 26 and 27, 2010** in the Elkins Training Room on the campus of the former Augusta Mental Health Institute (AMHI). The Elkins Training Room can be found in Room 110 of the Williams Pavilion, which is a building connected to the Eastside Wellness Center ("the gym") on the AMHI campus across from Riverview Psychiatric Center.

The April 26th session will present the Basic Compliance program that includes basic forms and payment compliance training. The April 27th session will present the Advanced Compliance program that includes AWW and partial benefit calculation training.

To sign up for one or more of these sessions, contact Anne Poulin at (207) 287-7067 or send her an e-mail at Anne.Poulin@Maine.Gov. Also, if your company is in need of personalized training on form filing or other compliance issues, please contact Anne. We can design our training to suit your needs.

New Featured Link on Board's Website

This Workers' Compensation Board has a new [Insurance Coverage Verification](#) page intended to provide links for anybody who needs to verify that an employer has workers' compensation insurance coverage in the state of Maine. This page also provides a link to the authorized self insurers for workers' compensation.

If you wish to speak with somebody in the Coverage Unit, please contact Lisa Bachelder at (207) 287-7092 or Lisa.Bachelder@Maine.Gov.

Payment of Medical Bills

WCB Rules and Regulations Chapter 5, Section 7.2 requires the employer/insurer to pay the health care provider's charge or the maximum allowable payment under the fee schedule, whichever is less, within 30 days of receipt of a bill unless the bill or previous bills from the same provider or the underlying injury has been controverted or denied.

Many insurers question the interplay between the above rule and 39-A M.R.S.A. Section 205(4). Penalties pursuant to Section 205(4) are only applicable if, when there is no ongoing dispute, medical bills are not paid within 30 days after receipt of notice of nonpayment by certified mail. WCB Rule Chapter 5, Section 7 does not expand the scope of Section 205(4) to apply in situations where medical bills are not sent via certified mail. This means that medical bills not sent via certified mail are not subject to penalty under Section 205(4). It does not mean, however, that medical bills have to be sent via certified mail to be considered for payment or denial.

Many insurers have also inquired as to whether the 30 days starts when medical bills are received without medical records/medical notes attached. The answer is yes. The requirement to pay or controvert a medical bill is not contingent upon whether or not the bills are accompanied by medical records and/or notes.



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E-mail
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Permanent Impairment Important Reminder

While permanent impairment *benefits* apply only to pre-1993 workers' compensation claims, [Box 22 of the Memorandum of Payment \(WCB-3\) form and/or Box 19 of the Statement of Compensation Paid \(WCB-11\) form must be completed in all cases involving permanent injury](#). If you have an indication that the injury may be permanent, you must check "Yes" and enter the percentage of whole body impairment. If the percentage of whole body impairment is disputed or is not known at the time of completing the form, please check "Not Yet Available".

Claims Management Unit Form Filing Reminder

Pursuant to WCB Rules/Regulations Chapter 8, Section 12, when an employer or insurer makes payments of compensation pursuant to an agreement by the parties or a decision of the Board, the employer or insurer shall document such payments by completing the appropriate sections of Form WCB-3, Form WCB-4, and/or Form WCB-11. This rule applies to provisional orders, mediation agreements, consent decrees, and hearing officer decrees.

If you have questions regarding this or other non-EDI form filing procedures, please contact Sherill Creamer at (207) 287-2002 or Sherill.Creamer@Maine.Gov.

Office of Medical and Rehabilitation Services Utilization Review Reminders

WCB Rules and Regulations Chapter 7, Section 3 sets forth utilization review procedures. Pursuant to this section, when an employer/insurer requests Utilization Review, the employer/insurer must notify the injured employee that it intends to initiate Utilization Review. Notice to the employee must, at a minimum, contain:

- A. An explanation of the reason(s) Utilization Review is being requested;
- B. Identification of the Utilization Review Agent that has been selected; and
- C. Notice that the injured employee can send a letter to the Utilization Review Agent, within 10 days, explaining why the contested treatment is appropriate.

Note: If the employer/insurer fails to send the required notice to the injured worker, the employer/insurer will be precluded from entering the Utilization Review determination into evidence in any subsequent Board proceeding.

If you have questions regarding these or other utilization review procedures, please contact Betty Wilkins at (207) 287-7062 or Betty.Wilkins@Maine.Gov.

Electronic Form Filing Individual Waivers

An individual Employer's First Report of Occupational Injury or Disease (WCB-1), Notice of Workers' Compensation Insurance (WCB-1A) or Notice of Controversy (WCB-9) form can be filed by paper or fax if the Executive Director or the Executive Director's designee grants a request for a waiver in an individual case.

Requests for waivers should be submitted in writing and addressed to the Executive Director/Chair of the Workers' Compensation Board, 27 State House Station, Augusta, ME 04333-0027.

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