

MAE News

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

Winter 2012

Special Edition



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Compliance Training for Employers/Insurers New and Improved!

The next open training is scheduled for January 24-25, 2013. Additional open training sessions will be held April 25-26, June 20-21, and October 24-25. The 2013 open training sessions will be held at the Department of Labor at 45 Commerce Drive in Augusta. Even with a larger capacity, the January session is full! To reserve a spot, or at least get on the waiting list, contact Anne Poulin. These sessions are great for both the new claim administrator, as well as a great refresher for the more experienced. There are some changes effective January 1, 2013 as a result of recently enacted legislation - be sure you are on top of them!

The Board will also bring training to you. To arrange on-site training, contact Gordon Davis at 207-287-6327 or Gordon.Davis@Maine.gov.

New Notice of Injury Dates of Injury on or after January 1, 2013

For dates of injury on or after January 1, 2013, the notice period is 30 days instead of 90 days. New notice posters are available on the Board's website or from Gossamer Press (up to 5 posters are free). See below for contact information.

Because the notice period for injuries through and including December 31, 2012 is 90 days, and to allow a period for cases involving inability to give notice and/or mistakes of fact, both the new and old notice posters must be posted until at least June 30, 2013. Starting July 1, 2013, only the new poster is required to be displayed.

New Forms Manual Effective January 1, 2013

Effective January 1, 2013, new forms have been adopted (WCB-2B, WCB-7) and several forms have been revised (WCB-2, WCB-3, WCB-6, WCB-8, WCB-10, WCB-11, WCB-230 and WCB-231).

The new Forms Manual can be downloaded from the Board's website or can be purchased for \$10.00 by contacting Anne Poulin.

New Weekly Compensation Rate Calculation

For dates of injury on or after January 1, 2013, the employee's weekly compensation rate is a simple calculation: $AWW \times 2 \div 3$. Note that the maximum for injuries occurring on or after January 1, 2013 is 100% of the state average weekly wage or \$717.09.

Section 303: New Form WCB-2B

Effective January 1, 2013, the Board requires that the employer/insurer submit Form WCB-2B within 30 days after the employer receives notice or has knowledge of a claim for compensation under section 212, 213 or 215. This form details the cost of any fringe benefits paid by the employer as of the employee's date of injury (if the employee was receiving the benefit on his/her date of injury).

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New and Revised Dispute Resolution Forms

Effective January 1, 2013, the Board has adopted the following new forms: WCB-213 (Petition for Extension of Benefits under §213), WCB-213A (Petition for Review of Extended Benefits under §213), and WCB-321 (Petition to Determine Entitlement to Rehabilitation Services Pursuant to §217(2)).

In addition, the following forms have been revised to track the statute and/or simplify the language: WCB-M2 (Request for Independent Medical Examination), WCB-25 (Motion For Award Of Fees And Disbursements), WCB-120 (Petition for Review of Incapacity), WCB-121 (Employee Petition for Review of Incapacity and Request for Provisional Order), WCB-122 (Petition to Determine Average Weekly Wage), WCB-140 (Petition for Award of Compensation), WCB-150 (Petition for Award of Compensation – Fatal), WCB-160 (Petition for Award of Compensation – Occupational Disease Law), WCB-170 (Petition for Restoration), WCB-171 (Petition for Reinstatement), WCB-180 (Petition to Determine Extent of Permanent Impairment), WCB-195 (Petition to Remedy Discrimination), WCB-250 (Request for Expedited Proceeding).

Attorneys are encouraged to utilize the Board's dispute resolution forms whenever possible (simplifies the data entry process). If an attorney concludes that the standard form is not sufficient, the Board requests that the attorney submit his/her own petition rather than alter the Board's form for his/her use.

From the Office of Medical and Rehabilitation Services Continuing Efforts to Promote Employment Rehabilitation

The Board has revised the Application for Evaluation of Employment Rehabilitation Services (WCB-320). The application has been designed to capture more information about the applicant and requests a copy of the applicant's medical records be submitted along with the application in order to facilitate more timely evaluations.

In addition, the Board has adopted a new form WCB-322 (Application For Wage Credit Employment Rehabilitation Fund) in order to promote the hiring incentive pursuant to §355(6) that allows for a wage credit if an employer hires an employee after the employee has completed a rehabilitation program under §217.

WCB Website New Fillable Forms

In an effort to make the forms more user-friendly, users now have the option to fill out the forms on their computers, print, and save them. Click on the following link to access the Board's new fillable forms: <http://www.maine.gov/wcb/departments/forms.htm>.

Individual and four part forms are also available through Gossamer Press, Attn: Linda Fuller, 259 Main Street, Suite 1, Old Town, ME 04468. Tel. (207) 827-9881, Fax: (207) 827-9861 or email: Linda@GossamerPress.com.