**90­351 WORKERS' COMPENSATION BOARD**

**Chapter 18: EXAMINATIONS BY IMPARTIAL PHYSICIAN(S) PURSUANT TO 39-A M.R.S.A. §611**

**§ 1. Administration**

 The Workers’ Compensation Board delegates authority for administration of 39­A M.R.S.A. §611 to the Deputy Director of Medical/Rehabilitation Services.

**§ 2. Date of Injury**

 This Chapter is promulgated pursuant to 39-A M.R.S.A. §611. It shall apply to all requests for appointment of an impartial physician under §611 on or after the effective date of this Chapter, regardless of the employee’s date of injury.

**§ 3. Assignment of Impartial Physician**

 1. Any party, including Administrative Law Judges, may request an examination by an impartial physician in a case involving occupational disease.

 2. The request shall be submitted to the Deputy Director of Medical/Rehabilitation Services.

 3. The Deputy Director of Medical/Rehabilitation Services shall verify that the claim involves occupational disease as defined by 39-A M.R.S.A. §603 and determine the applicability under 39-A M.R.S.A. §611.

 4. If the Deputy Director of Medical/Rehabilitation Services determines that the claim does not conform to the definition of occupational disease according to 39-A M.R.S.A. §603, the request shall be denied and the parties notified.

 5. If the disease is deemed to conform to the definition in §603, the Deputy Director of Medical/Rehabilitation Services may consult with an expert in occupational diseases to determine an appropriate physician or physicians with the expertise to perform the examination depending on the particular occupational disease involved in the request.

 6. The Deputy Director of Medical/Rehabilitation Services shall have the authority to schedule the appointment with an out-of-state physician whenever appropriate.

 7. The parties shall submit any medical records or other pertinent information to the examiner a minimum of seven (7) days prior to a scheduled examination. The medical records shall be organized in chronological order, or chronologically by provider and accompanied by an index.

 8. The appointed physician shall examine the employee, inspect the industrial conditions under which the employee has worked, and review submitted medical records to properly determine the nature, extent, and probable duration of the occupational disease. In the medical findings, the physician shall include the likelihood of the origin of the disease in the employee’s work place and the date of incapacity.

 9. Upon completion of the final examination, the examiner shall submit a written report to the employee, employer, and the Office of Medical/Rehabilitation Services no later than fourteen (14) days after completion of the examination.

 10. The fee for the examination shall be submitted to the Deputy Director of the Office of Medical/Rehabilitation Services for review and determination of reasonableness. After review, the bill shall be forwarded to the employer and payment shall be made within 30 days of receipt.

 11. The Deputy Director of Medical/Rehabilitation Services may order an autopsy be performed when a claim is made for death due to occupational disease, taking into consideration the sensitivities of the family, religious attitudes, and normal human feeling against exhumation of remains when making the decision.

STATUTORY AUTHORITY:

 39-A M.R.S. §§ 102 *et seq.*

EFFECTIVE DATE:

 July 14, 1996

NON-SUBSTANTIVE CORRECTIONS:

 January 9, 2003 - character spacing only

AMENDED:

 October 11, 2009 – filing 2009-537

REPEALED AND REPLACED:

 August 18, 2014 – filing 2014-184

AMENDED:

 September 1, 2018 – filing 2018-136