

Emerging Issues & Legislation in Maine Workers' Compensation



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Webinar

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Agenda

- Emerging issues in workers' compensation
- Pending legislation in Maine
- National updates & issues

Emerging Trends

- Healthcare 2020
 - Cost of prescription drugs
 - On-site healthcare
 - Social determinants of health

Emerging Trends

- Newly elected officials
 - Proposed legislation
 - Nationally and in Maine
 - New Executive Director in Maine

Emerging Trends

- Biopsychosocial pain management model
 - Holistic remedies
 - Identifying a “pain philosophy”

Emerging Trends

- Permanent impairment and politics
 - Controversy regarding the 6th edition of the AMA Guides

Emerging Trends

- The economy's impact on workers' compensation
 - Low unemployment rates
 - Talent, training, and development
 - Changing jobs

Emerging Trends

- Mega-claims
 - Exposure >\$5,000,000
 - Increase in auto accidents
 - Advances in medical treatment
 - Increased litigation costs

Emerging Trends

- Impaired workforce
 - Opioids and related legislation
 - Medical and recreational marijuana

Emerging Trends

- Unconscious bias & cultural differences
 - Recognizing unconscious bias
 - Cultural differences
 - Awareness is critical

Emerging Trends

- Workplace violence
 - Patients, elderly, students
 - Altercations between employees

Emerging Trends

- Gig & sharing economy
 - Uber, Lyft, Airbnb, TaskRabbit, etc.
 - Causation and exacerbation issues

Emerging Trends

- Natural disasters
 - Readiness and preparedness
 - Insurance coverage

Pending Legislation

- LD600 – An Act to Achieve Mental Health Parity in Workers' Compensation
 - Changes standard of proof required for mental injuries
 - Mental injuries as preexisting conditions

Pending Legislation

- LD758 – An Act to Clarify Work Search Requirements for Workers' Compensation
 - Shifts burden to employer in cases where employee seeks 100% partial incapacity benefits

Pending Legislation

- LD947 – An Act to Extend the Notice Period in the Maine Workers' Compensation Act of 1992
 - Increase notice period from 30 to 180 days

Pending Legislation

- LD1204 – An Act to Eliminate the Cap on Weekly Benefits in Workers' Compensation Cases
 - Elimination of maximum weekly benefit cap

Pending Legislation

- LD1203 – An Act To Clarify the Retirement Presumption under the Maine Workers' Compensation Act of 1992
 - Loosens retirement presumption

Pending Legislation

- LD1205 – An Act to Allow Full Retirement Benefits under the Maine Workers' Compensation Act of 1992
 - Eliminates offsets for retirement benefits
 - Prohibits recovery by employers for overpayments

Pending Legislation

- LD1253 – An Act to Fairly Compensate for Fatal Accidents under the Maine Workers' Compensation Act of 1992
 - Eliminates 500-week cap on benefits

Pending Legislation

- LD601 – An Act to Create Fairness by Reinstating Cost-of-living Adjustment for Workers' Compensation Benefits
- LD809 – An Act to Expand and Clarify the Disqualification from Workers' Compensation Benefits of an Employee Who is Injured While Under the Influence of Drugs or Alcohol
- LD1501 – An Act To Change the Law Governing Occupational Disease Claims under the Maine Workers' Compensation Act of 1992

Other National Issues

- **CA:** apportionment due to non-industrial genetic factors
- **IN:** new narcotics legislation
- **KS:** permanent impairment standards
- **NJ:** prohibits voluntary payments of permanent disability benefits
- **NH:** optional reimbursement of medical marijuana

Questions?



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Thank You!

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