

Maine Workers' Compensation Self-Audit Checklist

Claim # _____

Section 1: Form Filing

One or more lost workdays (hours or wages)

- Was the First Report of Injury (WCB-1) filed within 7 days of employer notice?

Length of disability 7 days or less

- Was the amended First Report of Injury (WCB-1) filed with the RTW date?

Medical Bill(s) Denied

- Was a NOC (WCB-9) filed?

Claim for compensation

- Was a MOP (WCB-3) or NOC (WCB-9) filed within 14 days of employer notice?
 - If the claim is controverted and a NOC (WCB-9) was not filed within 14 days of employer notice,
 - Were benefits paid through the date of the filing of a NOC *and* the payment of any accrued benefits, and was a Mandatory MOP (WCB-3) filed?
- Was the Wage Statement (WCB-2) filed within 30 days of employer notice?
- Was the Schedule of Dependents and Filing Status Statement (WCB-2A) filed within 30 days of employer notice?

Voluntary payments

- Does the MOP reflect the correct AWW and WCR?
 - If a provisional MOP (WCB-3) was filed initially, was an amended MOP (WCB-3) or Modification (WCB-4) filed to establish the correct AWW and WCR?
- Does Box 24 accurately reflect the date the first indemnity payment was sent to the claimant for the incapacity reported in Box 23?
- Does Box 28 accurately reflect the first date of incapacity *after* the 7-day wait has been met?
- Was a Modification (WCB-4) filed if the WCR increased (increase in Maximum Benefit Level or partial benefits) since the last MOP or Modification (WCB-4) was filed?

Employee returned to work for the same employer/increased earnings

- If the employee resumed full wages and/or had no restrictions, was a Discontinuance (WCB-4) filed within 14 days?
- If the employee did not resume full wages and/or had restrictions, was a Modification (WCB-4) filed within 14 days?

Claimant's benefits awarded, discontinued, reduced or modified by a Board decree, Mediation Agreement, Unemployment Offset, or §221 Offset

- Was a MOP (WCB-3) and/or Discontinuance or Modification (WCB-4) filed as applicable?

Claimant's benefits discontinued, reduced or modified because of an agreement (outside Mediation) between the parties?

- Was a Consent Between Employer and Employee (WCB-4A) filed?

***Note: The Consent form must be signed by both parties and used in accordance with revised Rule 8.18.*

Maine Workers' Compensation Self-Audit Checklist

Claim # _____

Claimant's benefits discontinued or reduced for any other reason (no payment scheme)

- Was a 21-Day Certificate (WCB-8) filed together with any documented justification?
 - Was the Certificate sent via Certified Mail to the employee and to the Board?
 - If EE RTW with a different employer, was a WCB-231A form sent with the WCB-8?
 - Was the effective date no earlier than 21 days from the date mailed and were benefits paid through the effective date of the discontinuance or reduction?
 - If offsets were taken during the 21-day period, was an amended WCB-8 filed with actual documented earnings?

Claimant's benefits discontinued or reduced pending outcome of Petition for Review (EE RTW w/diff. ER)

- Was a WCB-4 filed with the Petition for Review?
- Was a WCB-231A form sent to the employee with the Petition for Review?
- Were a WCB-4 and actual documented earnings filed within 30 days of receipt of the actual documented earnings?

Indemnity payments made (voluntary or mandatory)

- Was a Statement of Compensation Paid (WCB-11) filed within *195 days after the date of injury*?

Payments of any type continuing

- If yes, was a Statement of Compensation Paid (WCB-11) filed *annually within 15 days of the anniversary date of injury*?
- If no, was a Final Statement of Compensation (WCB-11) filed?
***Note: The amount of Weekly Compensation listed in Box 20 must equal the total of the Amounts Paid reported on all Discontinuance forms filed.*

Section 2: Timeliness of Benefit Payments

Indemnity Payments

- Was the first indemnity payment issued and sent to the claimant within 14 days of employer notice?
 - If the first indemnity payment was not issued and sent to the claimant within 44 days of employer notice, was the Section 205(3) penalty issued and sent to the claimant?
- Have all subsequent indemnity payments been made weekly?
 - If any subsequent indemnity payments were not issued and sent to the claimant within 37 days of the previous subsequent indemnity payment, was the Section 205(3) penalty issued and sent to the claimant?

Medical Bills

- Have all medical bills been controverted or paid within 30 days of receipt?
 - If any medical bills were not controverted or paid within 30 days after notice of nonpayment by certified mail, was the Section 205(4) payment issued and sent to the appropriate party (provider or employee)?

Approved Agreements

- Has **all** compensation (indemnity, medical bills, interest, etc.) been paid within 10 days after the WCB-4A is signed by the parties, within 10 days after the receipt of notice of an approved agreement for payment of compensation, or within 10 days after any order or decision of the Board awarding compensation?

Maine Workers' Compensation Self-Audit Checklist

Claim # _____

Section 3: Accuracy of Indemnity Payments

- Was the claim paid in accordance with the correct average weekly wage (AWW) and weekly compensation rate (WCR)?
 - If a provisional payment was made initially, was the claim adjusted to the correct AWW and WCR?
- If the claim was subject to the Maximum Benefit Level (Section 211), was the claim adjusted for inflation (not to exceed the employee's own "80% net rate") annually on July 1st each year?
- Was the claim paid in accordance with the requirements for compensation for total and partial incapacity (Sections 212 and 213)?
 - If Section 213 benefits were paid, were benefits calculated at a rate of 80% of the difference between the employee's pre-injury (after-tax) AWW and their post-injury (after-tax) weekly actual earnings? (See Rule 8.8 for instructions.)

Maine Workers' Compensation Self-Audit Checklist

Claim # _____

I have reviewed the following Maine standards:

YES NO

Section 1: Form Filing

- When an employee loses a day or more from work (Rule 3.1) because of a work-related injury, a First Report (WCB-1) must be filed with the Board within seven days from the employer's notice or knowledge of the incapacity (Section 303). If the employer or insurer disputes a medical bill on a claim for which a First Report was never filed, the employer or insurer shall attach the Board's copy of the First Report to the Notice of Controversy (Rule 8.13).
- When an employee loses a day or more from work, but does not lose more than seven days from work, the WCB-1 must include, or be amended and resubmitted, to reflect the date the employee returned to work (Rule 8.16).
- Wage information (WCB-2 and WCB-2A forms) must be filed within 30 days of an employer's notice or knowledge of a claim for compensation (Section 303, effective 8/10/00). *This includes both compensated and controverted claims where a claim for compensation has been made.*
 - When a WCB-2A form is not returned (by the injured employee) in a timely manner, we recommend that the assigned adjuster complete the form (based on any known filing status and dependent information) and file it with the Board within the required time limit. If the filing status and dependent information is unknown, we recommend a filing of "single with no dependents". Upon receipt of the employee's version of the form, a copy should be forwarded to the Board along with any corresponding corrections (if applicable). The newly established weekly compensation rate is effective from the employee's date of injury.
- Either a WCB-3, Memorandum of Payment (MOP) or a WCB-9, Notice of Controversy (NOC) must be filed within 14 days of an employer's notice or knowledge of a claim for incapacity (Rule 1.1). Upon making the first payment of compensation for incapacity or upon making a payment of compensation for impairment, the employer shall immediately forward to the Board a memorandum of payment on forms prescribed by the Board (Section 205.7). When an employer or insurer makes payments of compensation pursuant to an agreement by the parties or a decision of the Board, the employee or insurer shall document such payments by completing the appropriate sections of Form WCB-3 (Rule 8.12).
- A WCB-4, Modification of Compensation form must be filed when there are changes in the claimant's compensation rate.
- A WCB-4, Discontinuance of Compensation form must be filed when an employee returns to work with the same employer with earnings at/above his/her AWW or without restrictions or limitations (Rule 8.11). When an employer or insurer makes payments of compensation pursuant to an agreement by the parties or a decision of the Board, the employee or insurer shall document such payments by completing the appropriate sections of Form WCB-4 (Rule 8.12). When there is no order or award of compensation or compensation payment scheme, a WCB-4A, Consent Between Employer and Employee (Rule 8.18) or WCB-8, (21 Day) Certificate of Discontinuance or Reduction of Compensation form must be filed in all circumstances other than the return to work with the same employer or an increase in pay of the employee (Section 205(9)). When an employee returns to work with a different employer and an employer/insurer has filed a WCB-8, the employer/insurer must include form WCB-231A (Rule 8.15).
- When indemnity payments have been made, a WCB-11, Statement of Compensation Paid form (Interim Report) must be filed within 195 days of the date of injury (Rule 8.1). A subsequent WCB-11 form must be filed within 15 days of the anniversary date of the injury when payments (of any type) have been made since the previous WCB-11 form was filed (Rule 8.1). A WCB-11, Final Report must be filed when no further payments are anticipated (Rule 8.1).

Maine Workers' Compensation Self-Audit Checklist

Claim # _____

I have reviewed the following Maine standards:

YES NO

Section 2: Timeliness of Benefit Payments

- Unless a NOC has been filed, the initial indemnity payment must be made within 14 days of the employer's notice or knowledge of a claim for compensation (Section 205(2)).
- Maine Law (Section 205.2) mandates that "...Subsequent incapacity payments must be made weekly and in a timely fashion..."
- Board Rules and Regulations Chapter 5, Section 7 states in part, "The employer/insurer shall pay the health care provider's charge or the maximum allowable payment under this 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. If an employer/insurer controverts whether a health care provider's bill is reasonable and proper under §206 of the Act, the employer/insurer shall send a copy of the notice of controversy to the health care provider."
- Compensation payments must be made within 10 days after a WCB-4A is signed by the parties (Rule 8.18), within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the Board awarding compensation (Section 324.1). Compensation includes, but is not limited to, indemnity, interest, mileage and medical bills.

I have reviewed the following Maine standards:

YES NO

Section 3: Accuracy of Indemnity Payments

- Section 102(4) and Rule 1.5 provide the requirements for calculating average weekly wages (AWWs). Section 102(1) provides the requirements for determining weekly compensation rates (WCRs). The maximum benefit level (Section 211) is adjusted for inflation annually on July 1st each year. All claims subject to the maximum benefit level are entitled to this adjustment if the claimant's own "80-percent net rate" is equal to or greater than the new maximum benefit level. (If the new maximum benefit level is greater than their own "80-percent net rate", they are entitled to their "80-percent net rate" on July 1st.)
- Sections 212 and 213 provide the requirements for compensation for total incapacity and partial incapacity. Partial benefits must be calculated at a rate of 80% of the difference between the employee's pre-injury (after-tax) AWW and their post-injury (after-tax) weekly (based on payroll, i.e. Saturday through Friday) actual earnings (not based on M-1). See Rule 8.8.
- If a NOC has been filed later than 14 days after the employer's notice or knowledge of a claim for compensation, "...the employee must be paid total benefits, with credit for earnings and other statutory offsets, from the date of incapacity in accordance with 39-A M.R.S.A. Section 205(2) and in compliance with 39-A M.R.S.A. Section 204. The requirement for payment of benefits under this subsection automatically ceases upon the filing of a Notice of Controversy and the payment of any accrued benefits." (Rule 1.1, Section 2). See also *Bridgeman v. S.D. Warren Company*, 2005 ME 38.
- Section 204 provides the requirement that "In case incapacity continues for more than 14 days, compensation is allowed from the date of incapacity."
- Compensation payable prior to the effective date of a WCB-8, (21-day) Certificate of Discontinuance or Reduction of Compensation may only be reduced in accordance with Section 205(9)(A) & (B) and Rule 8.15.

Questions or comments in reference to this self- audit can be directed to:

Audit Division

Tel: (207) 287-7031

Fax: (207) 287-3881