

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

## **An Act To Clarify Usual and Customary Charges under the Workers' Compensation Laws**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 39-A MRS §209, sub-§2**, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

**2. Payment for services.** A health facility or health care provider must be paid either its usual and customary charge for any health care services or the maximum charge established under the rules adopted pursuant to subsection 1, whichever is less. For purposes of this subsection, "usual and customary charge" means, for a specific health care service, the average charge for that health care service for the 2 preceding calendar quarters. For purposes of determining the average charge for a specific health care service, the charge for each individual rendering of that health care service is the sum of:

A. All reimbursements from a private, 3rdparty payor for that individual rendering of a specific health care service; and

B. All payments from the patient for that individual rendering of a specific health care service received by the health facility or health care provider.

### **SUMMARY**

This bill defines "usual and customary charge" regarding payment of a health care service under the workers' compensation laws as the average charge for that health care service for the 2 preceding calendar quarters. For purposes of calculating the average charge, the charge of each individual rendering of a specific health care service is calculated as the sum of all reimbursements from a private, 3rdparty payor and all payments from the patient.