

# COMPLIANCE AUDIT REPORT

STATE OF MAINE  
WORKERS' COMPENSATION BOARD



**Gallagher Bassett Services, Inc.**  
**Engagement Date: January 26, 2022**  
**Issue Date: April 11, 2023**

**Office of Monitoring, Audit & Enforcement**

John C. Rohde  
Executive Director

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## SUMMARY

Gallagher Bassett, Inc. (GB) is a third-party administrator (TPA) that handles Maine workers' compensation claims for several insurers and self-insured employers.

The Audit Division of the Maine Workers' Compensation Board (Board) examined thirty-seven (37) claim files where indemnity benefits were paid for the period under examination (2021) as well as sixty (60) medical payments for the period under examination (2021) to determine compliance with statutory and regulatory requirements in the following areas:

- Form filing
- Timeliness of benefit payments
- Accuracy of benefit payments

The claim sample was drawn from a listing of all of GB's 2021 Maine workers' compensation claims. The medical payment sample was drawn from a listing of all of GB's 2021 medical payments for those claims in the sample.

GB handles its Maine workers' compensation claims solely in Quincy, Massachusetts.

The audit work was conducted as a desk audit.

The compliance tables found on pages 17 through 21 of this report are representative of Board findings as of January 26, 2022. Since that time, the Audit Division has received additional information, missing form filings, form corrections, indemnity payments and adjustments. Based on this information, the Detailed Claims Information provided as an appendix of this report is representative of Board findings and updated form filings as of the issuance of this report.

Following is a discussion of the aforementioned compliance tables and of the steps taken since January 26, 2022 to rectify identified noncompliance issues. This discussion also includes other significant issues identified by the audit.

◆ **Form filing**

- Title 39-A M.R.S.A. and the Board Rules and Regulations provide the requirements for reports to the Board:

<i>WCB-1, First Report of Occupational Injury or Disease</i>	<i>39-A M.R.S.A. Section 303, Rules &amp; Regs, Ch 8 Section 13, Rules &amp; Regs, Ch 3 Section 4</i>
<i>WCB-2, Wage Statement</i>	<i>39-A M.R.S.A. Section 303</i>
<i>WCB-2B, Fringe Benefits Worksheet</i>	<i>39-A M.R.S.A. Section 303</i>
<i>WCB-3, Memorandum of Payment (MOP)</i>	<i>Rules &amp; Regs, Ch 1 Section 1.1, Rules &amp; Regs, Ch 1 Section 1.3, 39-A M.R.S.A. Section 205(7), Rules &amp; Regs, Ch 8 Section 12</i>
<i>WCB-4, Discontinuance or Modification of Compensation</i>	<i>Rules &amp; Regs, Ch 8 Section 11, Rules &amp; Regs, Ch 8 Section 12</i>
<i>WCB-4A, Consent Between Employer and Employee</i>	<i>Rules &amp; Regs, Ch 8 Section 18</i>
<i>WCB-8, (21 Day) Certificate of Discontinuance or Reduction of Compensation</i>	<i>39-A M.R.S.A. Section 205(9)</i>
<i>WCB-9, Notice of Controversy (NOC)</i>	<i>Rules &amp; Regs, Ch 1 Section 1.1, Rules &amp; Regs, Ch 3 Section 4</i>
<i>WCB-11, Statement of Compensation Paid</i>	<i>Rules &amp; Regs, Ch 8 Section 1, Rules &amp; Regs, Ch 8 Section 12</i>

- Failure to file any Board form within established time frames is a violation of Title 39-A M.R.S.A. Section 360(1) (A) or (B).
- First Report of Occupational Injury or Disease (WCB-1):
  - Twenty-three (23) First Report of Occupational Injury or Disease forms were filed in accordance with the above requirements.
    - GB’s compliance rate for First Report of Occupational Injury or Disease filings is 62%, which is below the Board’s performance benchmark of 85%.
  - Fourteen (14) First Report of Occupational Injury or Disease forms were filed late.
- Wage Statement (WCB-2) and Fringe Benefits Worksheet (WCB-2B):
  - Thirty-three (33) Wage Statements and thirty-four (34) Fringe Benefits Worksheets were filed in accordance with the above requirements.
    - GB’s compliance rate for Wage Statements is 85%, which is above the Board’s performance benchmark of 75%.
    - GB’s compliance rate for Fringe Benefits Worksheets is 87%, which is above the Board’s performance benchmark of 75%.
  - Six (6) Wage Statements and three (3) Fringe Benefits Worksheets were filed late.

- Two (2) Fringe Benefits Worksheets were required, but not filed.
  - Since January 26, 2022, GB submitted both of those Fringe Benefits Worksheets.
- Memorandum of Payment (WCB-3 or WCB-4A) and Notice of Controversy (WCB-9):
  - Twenty-five (25) Memorandum of Payment forms and three (3) Notice of Controversy (“lost time”) forms were filed in accordance with the above requirements.
    - GB’s compliance rate for Memorandum of Payment filings is 64%, which is below the Board’s performance benchmark of 85%.
    - GB’s compliance rate for Notice of Controversy filings is 100%, which is above the Board’s performance benchmark of 90%.
  - Fourteen (14) Memorandum of Payment forms were filed late.
- Discontinuance or Modification of Compensation (WCB-4 or WCB-4A):
  - Twenty-seven (27) Discontinuance or Modification of Compensation forms were filed in accordance with the above requirements.
  - Fifteen (15) Discontinuance or Modification of Compensation forms were filed late.
  - Two (2) Discontinuance or Modification of Compensation forms were required, but not filed.
    - Since January 26, 2022, GB submitted one (1) of those Discontinuance or Modification of Compensation forms.
- (21 Day) Certificate of Discontinuance or Reduction of Compensation (WCB-8 or WCB-4A):
  - Four (4) (21 Day) Certificate of Discontinuance or Reduction of Compensation forms were filed in accordance with the above requirements.
- Statement of Compensation Paid (WCB-11):
  - Twenty-nine (29) Statement of Compensation Paid forms were filed in accordance with the above requirements.

◆ **Timeliness of benefit payments**

- Title 39-A M.R.S.A. Section 205(2) provides the time requirements for indemnity payments.
- When there is not an ongoing dispute, failure to pay weekly compensation benefits or accrued weekly benefits within 30 days after becoming due and payable is a violation of Title 39-A M.R.S.A. Section 205(2) and subject to penalty under Section 205(3).
- Initial Indemnity Payments:
  - Twenty-four (24) initial indemnity payments were made timely, and five (5) claims received “salary continuation” from their respective employers.
    - GB’s compliance rate for initial indemnity payments (timely payments and “salary continuation” collectively) is 73%, which is below the Board’s performance benchmark of 87%.
  - Eleven (11) initial indemnity payments were made late.
    - Two (2) late initial indemnity payments were made later than 30 days after they became due and payable, in violation of Section 205(2) and subject to penalty under Section 205(3).
- Subsequent Indemnity Payments:
  - Two hundred ninety-nine (299) subsequent indemnity payments were made timely.
  - Fourteen (14) subsequent indemnity payments were made late.
    - One (1) late subsequent indemnity payment was made later than 30 days after it became due and payable in violation of Section 205(2) and subject to penalty under Section 205(3).
- Board Rules and Regulations Chapter 5 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.”
  - Fifty-five (55) medical payments were made timely.
  - Three (3) medical payments were made late.
  - Despite multiple attempts to acquire sufficient documentation, the timeliness of two (2) medical payments could not be measured.

- Title 39-A M.R.S.A. Section 324(1) provides the requirements for compensation payments per an approved agreement, order or decision. Board Rules and Regulations Chapter 8, Section 18.2 provides the requirements for compensation payments per a Consent Between Employer and Employee (WCB-4A).
  
- One (1) Lump Sum Settlement was paid timely.

◆ **Accuracy of indemnity payments**

- Title 39-A M.R.S.A. Section 102(4) and Board Rules and Regulations Chapter 1, Section 5 provide the requirements for calculating average weekly wages (AWWs). Title 39-A M.R.S.A. Section 102(1) and Board Rules and Regulations Chapter 8, Section 9 provides the requirements for determining weekly compensation rates (WCRs). Title 39-A M.R.S.A. Sections 212, 213, and 215 provide the requirements for compensation for total incapacity, partial incapacity, and death benefits.
- The accuracy of indemnity payments was reviewed for thirty-seven (37) claims.
- Average Weekly Wage:
  - Twenty-seven (27) AWWs were correct.
  - Ten (10) AWWs were incorrect.
- Weekly Compensation Rate:
  - Twenty-five (25) WCRs were correct.
  - Twelve (12) WCRs were incorrect.
- Partial Benefits Calculation Method:
  - The method used to calculate partial benefits was correct for seventeen (17) claims.
  - The method used to calculate partial benefits was incorrect for seven (7) claims.
- Amount Paid:
  - Five (5) claims were compensated correctly, and three (3) claims received “salary continuation” from their respective employers.
  - Eighteen (18) claims were underpaid (\$10,697.19 aggregately).
    - Since January 26, 2022, GB paid the amounts due on seventeen (17) claims and resolved an underpayment issue on one (1) claim through lump-sum settlement.
  - Eleven (11) claims were overpaid (\$2,941.18 aggregately).
  - Collectively, the aforementioned errors resulted in a net underpayment of \$7,756.01 to injured workers.

◆ **Accuracy of medical payments**

- Title 39-A M.R.S.A. Section 209-A and Board Rules and Regulations Chapter 5 provide the fee setting requirements for medical and ancillary services and products rendered by individual health care practitioners and health care facilities.
- The accuracy of sixty (60) medical payments was reviewed among twenty-three (23) claims.
- Amount Paid:
  - Forty-one (41) medical payments sampled were correct.
  - Seventeen (17) medical payments sampled were incorrect.
  - Despite multiple attempts to acquire sufficient documentation, the accuracy of two (2) medical payments sampled could not be determined.

◆ **Other significant issues**

- Box 2b (Was Employee Paid for ½ Day or More on Day of Injury?) must accurately reflect whether the employee was paid for ½ day or more on the day of injury. Board Rules and Regulations Chapter 8, Section 3 states, “When an employee is paid 1/2 day or more wages on the date of injury, the date of injury will not be considered a day of incapacity.”
  - An incorrect box was check marked next to Box 2b of the FROIs that were filed for two (2) claims.
- Box 22 (First Day Of Compensability After Waiting Period Is Met) of the WCB-3, Memorandum of Payment (MOP) must accurately reflect the date of the first compensable day that follows the completion of the 7-day waiting period. See the Board’s Forms and Petitions Manual.
  - Incorrect dates were reported in Box 22 of the MOPs that were filed for ten (10) claims.
- Boxes 23a (Date of Incapacity) and 23b (Date Employer Notified) of the WCB-3, Memorandum of Payment (MOP) must accurately reflect the date of incapacity and date that the employer was notified of the incapacity. Note: the Date of Incapacity reported in Box 23a and the Date Employer Notified in Box 23b must equal the Date of Incapacity (DN56) and Date Employer Notified (DN281) reported in box 43 of the WCB-1, Employer’s First Report of Occupational Injury or Disease (First Report). See the Board’s Forms and Petitions Manual.
  - Incorrect dates were reported in Boxes 23a and/or 23b of the MOPs and/or Boxes 43a and/or 43b of the FROIs that were filed for eight (8) claims.
- Box 24 (Date Check Mailed) of the WCB-3, Memorandum of Payment (MOP) must accurately reflect the date that the initial indemnity payment (for the incapacity addressed by the MOP) is sent to the employee. See the Board’s Forms and Petitions Manual.
  - Incorrect dates were reported in Box 24 of the MOPs that were filed for eleven (11) claims.
- Box 19b (previous revision) or 21b (latest revision) (to (Return Date)) of the WCB-4, Discontinuance or Modification of Compensation must accurately reflect the date the incapacity ended. See the Board’s Forms and Petitions Manual.
  - Incorrect dates were reported in Box 19b or 21b of the WCB-4, Discontinuance or Modification of Compensation forms filed for twelve (12) claims.
- Additional payments were made since the “Final” WCB-11 Statement of Compensation Paid was filed for five (5) claims.

## PENALTIES

### ◆ Penalties payable to providers and/or injured employees

#### Title 39-A M.R.S.A. Section 205(3)

“When there is not an ongoing dispute, if weekly compensation benefits or accrued weekly benefits are not paid within thirty (30) days after becoming due and payable, \$50 per day must be added and paid to the worker for each day over thirty (30) days in which the benefits are not paid. Not more than \$1,500 in total may be added pursuant to this subsection. For purposes of ratemaking, daily charges paid under this subsection do not constitute elements of loss.”

Delays of initial indemnity payments, subject to penalty under Section 205(3), were found on the following claims:

CLAIM	PENALTY JUSTIFICATION	PENALTY EXPOSURE
Clayton Carver vs. Industrial Roofing & Siding Company Date of Injury: 2/4/21 Date ER Notified of Incapacity: 2/5/21 Claim# 002741-009047-WC-01 Board# 21002469	No NOC was filed, and the initial indemnity payment was made 4/16/21, which was 42 days after compensation became due and payable (3/5/21).	\$600.00
Rhona Wade vs. Healthcare Services Group Date of Injury: 2/12/21 Date ER Notified of Incapacity: 2/12/21 Claim# 005485-026436-WC-01 Board# 21003317	No NOC was filed, and the initial indemnity payment was made 5/4/21, which was 53 days after compensation became due and payable (3/12/21).	\$1,150.00*
<b>Total Penalties to Injured Employees for Delays of Initial Indemnity Payments</b>		<b>\$1,750.00</b>

\* This claim has been settled by Lump Sum and the Audit Division is not pursuing penalties (on behalf of the corresponding employee) arising from the violation cited.

A delay of a subsequent indemnity payment, subject to penalty under Section 205(3), was found on the following claim:

CLAIM	PENALTY JUSTIFICATION	PENALTY EXPOSURE
Kevin Phillips vs. Sargent Electric Company Date of Injury: 3/22/21 Date ER Notified of Incapacity: 7/8/21 Claim# 001227-013303-WC-01 Board# 21011205	A subsequent indemnity payment was made 9/2/21, which was 40 days after the previous indemnity payment (7/24/21).	\$150.00*
<b>Total Penalties to Injured Employees for Delays of Subsequent Indemnity Payments</b>		<b>\$150.00</b>

\* This claim has been settled by Lump Sum and the Audit Division is not pursuing penalties (on behalf of the corresponding employee) arising from the violation cited.

Delays of “other” indemnity payments, subject to penalty under Section 205(3), were found on the following claims:

CLAIM	PENALTY JUSTIFICATION	PENALTY EXPOSURE
<p>Elijah Ayotte vs. American Steel &amp; Aluminum  Date of Injury: 1/28/21  Date ER Notified of Incapacity: 1/29/21  Claim# 000696-211962-WC-01  Board# 21002010</p>	<p>The claimant was totally incapacitated from 1/29/21 through 2/12/21. Payment for one (1) day of that incapacity was made 12/9/22, which was 651 days after compensation became due and payable (2/26/21).</p> <p>Provisional payments were used to pay the periods 3/6/21 through 3/12/21 and 3/14/21 through 4/17/21. Payment of accrued benefits was made 12/9/22 for the period 3/6/21 through 3/12/21, which was 623 days after compensation became due and payable (3/26/21) and 6/17/21 for the period 3/14/21 through 4/17/21, which was 47 days after compensation became due and payable (5/1/21).</p>	<p>\$1,500.00</p>
<p>Philip Blais vs. Genuine Parts Company  Date of Injury: 5/20/21  Date ER Notified of Incapacity: 8/24/21  Claim# 005407-013113-WC-01  Board# 21010557</p>	<p>Payment for part of the 7-day waiting period was made 12/9/22, which was 458 days after compensation became due and payable (9/7/21).</p>	<p>\$1,500.00</p>
<p>Sharon Bockus vs. Crossmark Incorporated  Date of Injury: 1/2/21  Date ER Notified of Incapacity: 1/2/21  Claim# 005888-003861-WC-01  Board# 21000032</p>	<p>Provisional payments were used to pay the period 3/28/21 through 4/17/21. Payment of accrued benefits was made 12/9/22, which was 587 days after compensation became due and payable (5/1/21).</p>	<p>\$1,500.00</p>
<p>Elizabeth Bubier vs. Pennsylvania Manufacturers Association  Date of Injury: 1/1/21  Date ER Notified of Incapacity: 2/1/21  Claim# 011975-115437-WC-01  Board# 21003318</p>	<p>Payment for part of the 7-day waiting period was made 12/9/22, which was 665 days after compensation became due and payable (2/12/21).</p> <p>A provisional WCR was used to pay this claim. Payment of accrued benefits was made 12/9/22, which was 641 days after compensation became due and payable (3/8/21).</p>	<p>\$1,500.00</p>
<p>Caitlyn Gallagher vs. Travel Nurse Across America  Date of Injury: 6/1/21  Date ER Notified of Incapacity: 6/6/21  Claim# 014025-000721-WC-01  Board# 21011944</p>	<p>A provisional payment was used to pay this claim. Payment of accrued benefits was made 8/10/21, which was 39 days after compensation became due and payable (7/2/21).</p>	<p>\$450.00</p>
<p>Colby Gray vs. Maine Automobile Dealers Association  Date of Injury: 4/22/21  Date ER Notified of Incapacity: 7/23/21  Claim# 010201-021042-WC-01  Board# 21008898</p>	<p>A provisional payment was used to pay the period 9/19/21 through 9/25/21. Payment of accrued benefits was made 12/9/22, which was 426 days after compensation became due and payable (10/9/21).</p>	<p>\$1,500.00</p>

CLAIM	PENALTY JUSTIFICATION	PENALTY EXPOSURE
Brian Heineman vs. ADT, LLC. Date of Injury: 3/24/21 Date ER Notified of Incapacity: 3/29/21 Claim# 006519-007414-WC-01 Board# 21006584	Payment for the 7-day waiting period was made 3/3/23, which was 693 days after compensation became due and payable (4/9/21).  A provisional WCR was used to pay the period 4/6/21 through 4/20/21. Payment of accrued benefits was made 10/5/21, which was 154 days after compensation became due and payable (5/4/21).	\$1,500.00
Justine Mugabo vs. Abbott Date of Injury: 12/3/21 Date ER Notified of Incapacity: 12/21/21 Claim# 009238-001105-WC-01 Board# 21028234	The claimant was totally incapacitated from 12/5/21 through 12/26/21. Payment for one (1) day of that incapacity was made 3/3/23, which was 418 days after compensation became due and payable (1/9/22).	\$1,500.00
Tracy Odone vs. Tractor Supply Company Date of Injury: 6/21/21 Date ER Notified of Incapacity: 10/1/21 Claim# 004169-061256-WC-01 Board# 21021758	Payment for part of the 7-day waiting period was made 3/3/23, which was 580 days after compensation became due and payable (7/31/21).	\$1,500.00
Kevin Phillips vs. Sargent Electric Company Date of Injury: 3/22/21 Date ER Notified of Incapacity: 7/8/21 Claim# 001227-013303-WC-01 Board# 21011205	The claimant was totally incapacitated from 7/8/21 through 7/25/21. Payment for four (4) days of that incapacity was made 12/9/22, which was 488 days after compensation became due and payable (8/8/21).  Benefits for the period 9/6/21 through 10/8/21 were not increased to the Maximum Benefit Level effective 7/1/21 until 12/9/22, which was 512 days after compensation became due and payable (7/15/21).	\$1,500.00*
Asha Sheikuna vs. Volt Information Sciences, Inc. Date of Injury: 3/27/21 Date ER Notified of Incapacity: 4/6/21 Claim# 002086-019066-WC-01 Board# 21007649	Payment for the 7-day waiting period was made 12/9/22, which was 607 days after compensation became due and payable (4/11/21).	\$1,500.00
Rhona Wade vs. Healthcare Services Group Date of Injury: 2/12/21 Date ER Notified of Incapacity: 2/12/21 Claim# 005485-026436-WC-01 Board# 21003317	Payment for part of the 7-day waiting period has not yet been made.	\$1,500.00*

CLAIM	PENALTY JUSTIFICATION	PENALTY EXPOSURE
Neal Washington vs. Fusion Medical Staffing Date of Injury: 8/24/21 Date ER Notified of Incapacity: 8/25/21 Claim# 001529-065960-WC-01 Board# 21018393	<p>A provisional payment was used to pay the period 8/25/21 through 8/28/21. Payment of accrued benefits was made 12/9/22, which was 454 days after compensation became due and payable (9/11/21).</p> <p>The claimant's benefits were improperly discontinued on 9/11/21. Payment of accrued benefits was made 12/9/22, which was 440 days after compensation became due and payable (9/25/21).</p>	\$1,500.00
<b>Total Penalties to Injured Employees for Delays of "Other" Indemnity Payments</b>		<b>\$18,450.00</b>

\* This claim has been settled by Lump Sum and the Audit Division is not pursuing penalties (on behalf of the corresponding employee) arising from the violation cited.

◆ **Penalties payable to the State General Fund**

**Title 39-A M.R.S.A. Section 359(2)**

“In addition to any other penalty assessment permitted under this Act, the Board may assess civil penalties not to exceed \$25,000 upon finding, after hearing, that an employer, insurer or 3<sup>rd</sup>-party administrator for an employer has engaged in a pattern of questionable claims-handling techniques or repeated unreasonably contested claims. The Board shall certify its findings to the Superintendent of Insurance, who shall take appropriate action so as to bring any such practices to a halt. This certification by the Board is exempt from the provisions of the Maine Administrative Procedure Act. The amount of any penalty assessed pursuant to this subsection must be directly related to the severity of the pattern of questionable claims-handling techniques or repeated unreasonably contested claims. All penalties collected pursuant to this subsection shall inure to the benefit of the General Fund. An insurance carrier’s payment of any penalty assessed under this section may not be considered an element of loss for the purpose of establishing rates for workers' compensation insurance.”

- No action taken.

**Title 39-A M.R.S.A. Section 360(1)(A)**

“The Board may assess a civil penalty not to exceed \$100 for each violation on any person: Who fails to file or complete any report or form required by this Act or rules adopted under this Act.”

Violations subject to penalty under Section 360(1)(A) were found on the following claims:

<b>Employee</b>	<b>Date of Injury</b>	<b>Forms Not Filed</b>	<b>Penalty Exposure</b>
PHILLIPS, KEVIN	3/22/21	WCB-4, Discontinuance or Modification of Compensation	\$100.00
<b>TOTAL</b>			<b>\$100.00</b>

**Title 39-A M.R.S.A. Section 360(1)(B)**

“The Board may assess a civil penalty not to exceed \$100 for each violation on any person: Who fails to file or complete such a report or form within the time limits specified in this Act or rules adopted under this Act.”

Violations subject to penalty under Section 360(1)(B) were found on the following claims:

<b>Employee</b>	<b>Date of Injury</b>	<b>Forms Filed Late</b>	<b>Penalty Exposure</b>
	3/4/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00*
		WCB-4, Discontinuance or Modification of Compensation	\$100.00
	7/7/21	WCB-4, Discontinuance or Modification of Compensation	\$100.00
	1/28/21	WCB-2B, Fringe Benefits Worksheet	\$100.00
		WCB-4, Discontinuance or Modification of Compensation (2)	\$200.00
	5/20/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
	1/2/21	WCB-3, Memorandum of Payment	\$100.00
		WCB-4, Discontinuance or Modification of Compensation	\$100.00
	1/1/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
		WCB-4, Discontinuance or Modification of Compensation (2)	\$200.00
	11/29/21	WCB-2, Wage Statement	\$100.00
	2/4/21	WCB-3, Memorandum of Payment	\$100.00
	3/18/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-2B, Fringe Benefits Worksheet	\$100.00
		WCB-4, Discontinuance or Modification of Compensation (2)	\$200.00

<b>Employee</b>	<b>Date of Injury</b>	<b>Forms Filed Late</b>	<b>Penalty Exposure</b>
	11/8/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
	7/29/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00*
		WCB-3, Memorandum of Payment	\$100.00
	6/23/21	WCB-4, Discontinuance or Modification of Compensation	\$100.00
	6/1/21	WCB-2, Wage Statement	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
		WCB-4, Discontinuance or Modification of Compensation	\$100.00
	4/22/21	WCB-4, Discontinuance or Modification of Compensation	\$100.00
	7/31/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-2, Wage Statement	\$100.00
	11/4/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
	11/2/21	WCB-4, Discontinuance or Modification of Compensation	\$100.00
	3/24/21	WCB-3, Memorandum of Payment	\$100.00
	3/22/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-2, Wage Statement	\$100.00
		WCB-2B, Fringe Benefits Worksheet	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
	1/30/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
	2/25/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
		WCB-4, Discontinuance or Modification of Compensation	\$100.00
	2/27/21	WCB-3, Memorandum of Payment	\$100.00
		WCB-4, Discontinuance or Modification of Compensation	\$100.00
	2/12/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00*
		WCB-2, Wage Statement	\$100.00
		WCB-2B, Fringe Benefits Worksheet	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
	8/16/21	WCB-3, Memorandum of Payment	\$100.00
	8/24/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-2, Wage Statement	\$100.00
		WCB-2B, Fringe Benefits Worksheet	\$100.00
	10/1/21	WCB-1, Employer's First Report of Occupational Injury or Disease	\$100.00
		WCB-3, Memorandum of Payment	\$100.00
<b>TOTAL</b>			<b>\$5,400.00</b>

\* Paid AIU.

**Title 39-A M.R.S.A. Section 360(2)**

“The Board may assess, after hearing, a civil penalty in an amount not to exceed \$1,000 for an individual and \$10,000 for a corporation, partnership or other legal entity for any willful violation of this Act, fraud or intentional misrepresentation. The Board may also require that person to repay any compensation received through a violation of this Act, fraud or intentional misrepresentation or to pay any compensation withheld through a violation of this Act, fraud or misrepresentation, with interest at the rate of 10% per year.”

- The Board may refer GB to the Abuse Investigation Unit to pursue penalties under Act §360(2) for the following reasons (including, but not limited to):
  - Documented failure to respond and/or respond fully to auditor’s requests for information
  - Failure to address compliance issues outlined in previous audits, (including, but not limited to):
    - Failure to file or timely file forms with the Board
    - Failure to pay or timely pay benefits
    - Failure to pay benefits accurately
- **Penalty exposure: \$10,000.00**

## COMPLIANCE TABLES

### ◆ Form Filing

#### A. First Report of Occupational Injury or Disease (WCB-1)

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	23	62%
Late		14	38%
Total		37	100%

#### B. Wage Statement (WCB-2)

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	33	85%
Late		6	15%
Total		39	100%

#### C. Fringe Benefits Worksheet (WCB-2B)

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	34	87%
Late		3	8%
Not Filed		2	5%
Total		39	100%

#### D. Memorandum of Payment (WCB-3 or WCB-4A)

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	25	64%
Late		14	36%
Total		39	100%

**E. Discontinuance or Modification of Compensation (WCB-4 or WCB-4A)**

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	27	61%
Late		15	34%
Not Filed		2	5%
<hr/>			
Total		44	100%
		<hr/>	

**F. Certificate of Discontinuance or Reduction of Compensation (WCB-8 or WCB-4A)**

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	4	100%
Total		4	100%
		<hr/>	

**G. Notice of Controversy (WCB-9)**

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	3	100%
Total		3	100%
		<hr/>	

**H. Statement of Compensation Paid (WCB-11)**

		<b>2021</b>	
		Number	Percent
Received at the Board:			
Filed	<b>Compliant</b>	29	100%
Not Filed		0	0%
<hr/>			
Total		29	100%
		<hr/>	

◆ **Timeliness of Benefit Payments**

**I. Initial Payment of Indemnity Benefits**

			<b>2021</b>	
			Number	Percent
Check Issued Within:				
0-14	Days	<b>Compliant</b>	29	73%
15-44	Days		9	23%
45+	Days		2	4%
Total			40	100%

**J. Subsequent Payment of Indemnity Benefits**

			<b>2021</b>	
			Number	Percent
Check Issued Within:				
0-7	Days	<b>Compliant</b>	299	95%
8-37	Days		13	4%
38+	Days		1	1%
Total			313	100%

**K. Medical Payments**

			<b>2021</b>	
			Number	Percent
Check Issued Within:				
0-30	Days	<b>Compliant</b>	55	92%
31+	Days		3	5%
Unknown	Days		2	3%
Total			60	100%

**L. Payment of Approved Agreements, Orders, Decisions**

			<b>2021</b>	
			Number	Percent
Check Issued Within:				
0-10	Days	<b>Compliant</b>	1	100%
Total			1	100%

◆ Accuracy of Indemnity Payments

M. Average Weekly Wage

		2021	
		Number	Percent
Calculated:			
Correct	<b>Compliant</b>	27	73%
Incorrect		10	27%
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Total		37	100%
		<hr/> <hr/>	

N. Weekly Compensation Rate

		2021	
		Number	Percent
Calculated:			
Correct	<b>Compliant</b>	25	68%
Incorrect		12	32%
<hr/>			
Total		37	100%
		<hr/> <hr/>	

O. Partial Benefits

		2021	
		Number	Percent
Calculated:			
Correct	<b>Compliant</b>	17	71%
Incorrect		7	29%
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Total		24	100%
		<hr/> <hr/>	

P. Amount Paid

		2021	
		Number	Percent
Calculated:			
Correct	<b>Compliant</b>	8	22%
Underpaid		18	48%
Overpaid		11	30%
<hr/>			
Total		37	100%
		<hr/> <hr/>	

◆ Accuracy of Medical Payments

Q. Amount Paid

		2021	
		Number	Percent
Calculated:			
Correct	<b>Compliant</b>	41	68%
Incorrect		17	28%
Unknown		2	4%
Total		60	100%