

KARIM BAROUDI et al.

v.

ACADIA EXPRESS CO. et al.

Argued September 12, 2007

Decided June 10, 2008

Panel: SAUFLEY, C.J., and CLIFFORD, ALEXANDER, LEVY, SILVER, and MEAD, JJ.

MEMORANDUM OF DECISION

Acadia Express Co. appeals from a decision of a Workers' Compensation Board hearing officer (*Jerome, HO*) granting Central Maine Medical Center's (CMMC) petition for payment of medical and related services for services provided to Karim Baroudi. Acadia Express contends that it was error to grant the petition because the amount charged by CMMC exceeded its "usual and customary charge" for the service provided, pursuant to 39-A M.R.S. § 209(2) (2007). Acadia also contends that the hearing officer erred when denying Acadia's motion to compel discovery of amounts CMMC accepts as payment from private third-party payors for the same services, and when granting CMMC's motion to strike expert testimony on the issue of what is the usual and customary charge or a reasonable charge.

The denial of Acadia's motion to compel discovery and the granting of CMMC's motion to strike were within the scope of the hearing officer's valid discretion. *Fernald v. Shaw's Supermarkets, Inc.*, 2008 ME 81, ¶¶ 24-25, 946 A.2d 395, --- (upholding denial of motion to compel discovery of amounts paid by private third-party payors for same medical services and exclusion of expert

testimony on average charge or market rate as irrelevant to “usual and customary charge”). In addition, the hearing officer did not err in granting CMMC’s motion for payment of medical and related services. *Id.* (affirming grant of petition for payment of medical and related services).

The entry is:

Judgment affirmed.

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