

HOUSE BILL 1298

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9lr1048

By: **Delegates Taylor, Carr, Holmes, Robinson, and V. Turner**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation Commission – Medical Examinations and**
3 **Evaluations – Hearings**

4 FOR the purpose of requiring physicians conducting certain medical examinations and
5 evaluations to hold a certain license; prohibiting physicians under this Act from
6 rendering opinions outside their area of expertise; providing that certain
7 medical malpractice laws apply to physicians under this Act; and generally
8 relating to physicians and Workers' Compensation Commission hearings.

9 BY repealing and reenacting, without amendments,
10 Article – Labor and Employment
11 Section 9–720 and 9–721
12 Annotated Code of Maryland
13 (2008 Replacement Volume)

14 BY adding to
15 Article – Labor and Employment
16 Section 9–721.1
17 Annotated Code of Maryland
18 (2008 Replacement Volume)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Labor and Employment**

22 9–720.

23 (a) If requested by the Commission, a covered employee who is eligible for
24 compensation under this title shall submit to a medical examination at a place and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 time reasonably convenient to the covered employee, in accordance with the
2 regulations of the Commission.

3 (b) (1) If the covered employee obstructs or refuses to submit to a medical
4 examination requested by the Commission under subsection (a) of this section, the
5 right of the covered employee to compensation is suspended until the examination has
6 taken place.

7 (2) Compensation is not payable during or for the period of the
8 suspension.

9 9-721.

10 (a) Except as provided in subsection (c) of this section, a physician shall
11 evaluate a permanent impairment and report the evaluation to the Commission in
12 accordance with the regulations of the Commission.

13 (b) A medical evaluation of a permanent impairment shall include
14 information about:

15 (1) atrophy;

16 (2) pain;

17 (3) weakness; and

18 (4) loss of endurance, function, and range of motion.

19 (c) If a permanent impairment involves a behavioral or mental disorder, a
20 licensed psychologist or qualified physician shall:

21 (1) perform an evaluation of only the mental or behavioral portion of
22 the permanent impairment; and

23 (2) report the evaluation to the Commission in accordance with the
24 regulations of the Commission.

25 **9-721.1.**

26 **A PHYSICIAN CONDUCTING A MEDICAL EXAMINATION OR EVALUATION OF**
27 **A PERMANENT IMPAIRMENT UNDER § 9-720 OR § 9-721 OF THIS SUBTITLE:**

28 **(1) SHALL BE A LICENSED PHYSICIAN IN THE STATE;**

29 **(2) MAY NOT RENDER AN OPINION OUTSIDE THE PHYSICIAN'S**
30 **AREA OF EXPERTISE, AS DEMONSTRATED BY THE PHYSICIAN'S LICENSURE OR**
31 **APPLICABLE PRACTICE PARAMETERS; AND**

1 **(3) IS SUBJECT TO THE MEDICAL MALPRACTICE LAWS OF THE**
2 **STATE, INCLUDING TITLE 3, SUBTITLE 2A OF THE COURTS AND JUDICIAL**
3 **PROCEEDINGS ARTICLE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2009.