

HOUSE BILL 795

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9lr2124
CF SB 349

By: ~~Delegate Valderrama~~ Delegates Branch and Glenn

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2019

CHAPTER _____

1 AN ACT concerning

2 ~~Workers' Compensation – Provision of Medical Services and Treatment –~~
3 ~~Notification to Seek Treatment~~ Permanent Partial Disability – Baltimore City
4 Deputy Sheriffs

5 FOR the purpose of ~~requiring a covered employee, under certain circumstances, to provide~~
6 ~~the claimant's employer, the employer's insurer, or the Uninsured Employer's Fund~~
7 ~~certain notification at least a certain number of days before undergoing medical~~
8 ~~treatment; requiring that medical treatment sought by the covered employee be~~
9 ~~presumed to be unrelated to an accidental personal injury except under certain~~
10 ~~circumstances if the notification required under a certain provision of this Act is not~~
11 ~~provided; making a stylistic change; making a conforming change; and generally~~
12 ~~relating to the provision of medical services and treatment under the workers'~~
13 ~~compensation law~~ providing for enhanced workers' compensation benefits for a
14 Baltimore City deputy sheriff for a compensable permanent partial disability of less
15 than a certain number of weeks; providing for the application of this Act; and
16 generally relating to workers' compensation benefits for Baltimore City deputy
17 sheriffs.

18 BY repealing and reenacting, with amendments,
19 Article – Labor and Employment
20 Section ~~9-660~~ 9-628(a)(9) and (10)
21 Annotated Code of Maryland
22 (2016 Replacement Volume and 2018 Supplement)

23 BY adding to

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Labor and Employment
 2 Section 9–628(a)(11)
 3 Annotated Code of Maryland
 4 (2016 Replacement Volume and 2018 Supplement)

5 BY repealing and reenacting, without amendments,
 6 Article – Labor and Employment
 7 Section 9–628(h) and 9–629
 8 Annotated Code of Maryland
 9 (2016 Replacement Volume and 2018 Supplement)

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

12 **Article – Labor and Employment**

13 ~~9-660.~~

14 (a) ~~[In] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN~~
 15 ~~addition to the compensation provided under this subtitle, if a covered employee has~~
 16 ~~suffered an accidental personal injury, compensable hernia, or occupational disease the~~
 17 ~~employer or [its] THE EMPLOYER’S insurer promptly shall provide to the covered~~
 18 ~~employee, as the Commission may require:~~

19 (1) ~~medical, surgical, or other attendance or treatment;~~

20 (2) ~~hospital and nursing services;~~

21 (3) ~~medicine;~~

22 (4) ~~crutches and other apparatus; and~~

23 (5) ~~artificial arms, feet, hands, and legs and other prosthetic appliances.~~

24 (b) (1) ~~IF A COVERED EMPLOYEE SEEKS MEDICAL TREATMENT FOR AN~~
 25 ~~ACCIDENTAL PERSONAL INJURY AND THE COVERED EMPLOYEE HAS NOT FILED A~~
 26 ~~CLAIM OR NO ISSUES OF COMPENSABILITY ARE PENDING BEFORE THE COMMISSION,~~
 27 ~~THE COVERED EMPLOYEE SHALL PROVIDE NOTIFICATION, INCLUDING COPIES OF~~
 28 ~~ANY RELEVANT MEDICAL REPORTS, TO THE EMPLOYER, THE EMPLOYER’S INSURER,~~
 29 ~~OR THE UNINSURED EMPLOYER’S FUND AT LEAST 30 BUSINESS DAYS BEFORE~~
 30 ~~UNDERGOING MEDICAL TREATMENT.~~

31 (2) ~~IF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS~~
 32 ~~SUBSECTION IS NOT PROVIDED, THE MEDICAL TREATMENT SOUGHT BY THE~~
 33 ~~COVERED EMPLOYEE SHALL BE PRESUMED TO BE UNRELATED TO THE ACCIDENTAL~~

1 ~~PERSONAL INJURY UNLESS THE COMMISSION DETERMINES THAT THE MEDICAL~~
 2 ~~TREATMENT WAS EMERGENT.~~

3 ~~[(b)] (C) The employer or its insurer shall provide the medical services and~~
 4 ~~treatment required under subsection (a) of this section for the period required by the nature~~
 5 ~~of the accidental personal injury, compensable hernia, or occupational disease.~~

6 ~~[(e)] (D) Except as provided in § 9-736(b) and (c) of this title, any award or order~~
 7 ~~of the Commission under this section may not be construed to:~~

8 ~~(1) reopen any case; or~~

9 ~~(2) allow any previous award to be changed.~~

10 ~~[(d)] (E) (1) A provider who provides medical service or treatment to a~~
 11 ~~covered employee under subsection (a) of this section shall submit to the employer or the~~
 12 ~~employer's insurer a bill for providing medical service or treatment within 12 months from~~
 13 ~~the later of the date:~~

14 ~~(i) medical service or treatment was provided to a covered employee;~~

15 ~~(ii) the claim for compensation was accepted by the employer or the~~
 16 ~~employer's insurer; or~~

17 ~~(iii) the claim for compensation was determined by the Commission~~
 18 ~~to be compensable.~~

19 ~~(2) The employer or the employer's insurer may not be required to pay a~~
 20 ~~bill submitted after the time period required under paragraph (1) of this subsection unless:~~

21 ~~(i) the provider files an application for payment with the~~
 22 ~~Commission within 3 years from the later of the date:~~

23 ~~1. medical service or treatment was provided to the covered~~
 24 ~~employee;~~

25 ~~2. the claim for compensation was accepted by the employer~~
 26 ~~or the employer's insurer; or~~

27 ~~3. the claim for compensation was determined by the~~
 28 ~~Commission to be compensable; and~~

29 ~~(ii) the Commission excuses the untimely submission for good cause.~~

30 9-628.

31 (a) In this section, "public safety employee" means:

1 (9) a Baltimore County deputy sheriff, but only when the deputy sheriff
2 sustains an accidental personal injury that arises out of and in the course and scope of
3 performing duties directly related to:

4 (i) courthouse security;

5 (ii) prisoner transportation;

6 (iii) service of warrants;

7 (iv) personnel management; or

8 (v) other administrative duties; [or]

9 (10) a State correctional officer; OR

10 **(11) A BALTIMORE CITY DEPUTY SHERIFF.**

11 (h) If a public safety employee is awarded compensation for less than 75 weeks,
12 the employer or its insurer shall pay the public safety employee compensation at the rate
13 set for an award of compensation for a period greater than or equal to 75 weeks but less
14 than 250 weeks under § 9–629 of this subtitle.

15 9–629.

16 If a covered employee is awarded compensation for a period equal to or greater than
17 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered
18 employee weekly compensation that equals two-thirds of the average weekly wage of the
19 covered employee but does not exceed one-third of the State average weekly wage.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
21 apply only prospectively and may not be applied or interpreted to have any effect on or
22 application to any claims arising from events occurring before the effective date of this Act.

23 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2019.