

# SENATE BILL 784

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By: **Senator Klausmeier**

Introduced and read first time: February 3, 2020

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Hernia Claims**

3 FOR the purpose of altering the time period within which a covered employee must report  
4 to the employer a hernia caused by an accidental personal injury or by a strain  
5 arising out of and in the course of employment for the purpose of filing a claim for  
6 compensation; authorizing a covered employee to file a claim for compensation for a  
7 hernia caused by an accidental personal injury within a certain time period under  
8 certain circumstances; making conforming changes; providing for the application of  
9 this Act; and generally relating to workers' compensation and hernia claims.

10 BY repealing and reenacting, with amendments,  
11 Article – Labor and Employment  
12 Section 9–504 and 9–709(a) and (b)  
13 Annotated Code of Maryland  
14 (2016 Replacement Volume and 2019 Supplement)

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

17 **Article – Labor and Employment**

18 9–504.

19 **(A)** Except as otherwise provided, an employer shall provide compensation in  
20 accordance with this title to a covered employee for a hernia caused by an accidental  
21 personal injury or by a strain arising out of and in the course of employment if:

22 (1) the covered employee provides definite proof that satisfies the  
23 Commission that:

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) the hernia did not exist before the accidental personal injury or  
2 strain occurred; or

3 (ii) as a result of the accidental personal injury or strain, a  
4 preexisting hernia has become so aggravated, incarcerated, or strangulated that an  
5 immediate operation is needed; and

6 (2) notwithstanding any other provision of this title about notice, the  
7 accidental personal injury or strain was reported to the employer within [30] 45 days after  
8 its occurrence.

9 **(B) IF A COVERED EMPLOYEE FAILS TO FILE A CLAIM FOR COMPENSATION**  
10 **FOR A HERNIA CAUSED BY AN ACCIDENTAL PERSONAL INJURY WITHIN THE TIME**  
11 **PERIOD REQUIRED UNDER § 9-709(A) OF THIS TITLE, THE COVERED EMPLOYEE MAY**  
12 **FILE THE CLAIM WITHIN 2 YEARS AFTER THE DATE THE ACCIDENTAL PERSONAL**  
13 **INJURY OCCURRED UNLESS THE EMPLOYER OR ITS INSURER HAS BEEN PREJUDICED**  
14 **BY THE FAILURE.**

15 9-709.

16 (a) (1) Except as provided in subsection (c) of this section **AND § 9-504 OF**  
17 **THIS TITLE**, if a covered employee suffers an accidental personal injury, the covered  
18 employee, within 60 days after the date of the accidental personal injury, shall file with the  
19 Commission:

20 (i) a claim application form; and

21 (ii) if the covered employee was attended by a physician chosen by  
22 the covered employee, the report of the physician.

23 (2) (i) A claim application form filed under paragraph (1) of this  
24 subsection shall include an authorization by the claimant for the release, to the claimant's  
25 attorney, the claimant's employer, and the insurer of the claimant's employer, or an agent  
26 of the claimant's attorney, the claimant's employer, or the insurer of the claimant's  
27 employer, of medical information that is relevant to:

28 1. the member of the body that was injured, as indicated on  
29 the claim application form; and

30 2. the description of how the accidental personal injury  
31 occurred, as indicated on the claim application form.

32 (ii) An authorization under subparagraph (i) of this paragraph:

33 1. includes the release of information relating to the history,  
34 findings, office and patient charts, files, examination and progress notes, and physical

