

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL NO. 706

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute “Workers’ Compensation - Construction Carve Out”; in line 8, after “with” insert “the Workers’ Compensation Commission and determined by”; in the same line, after “Commission” insert “to be in compliance with certain provisions of law”; in the same line, after the semicolon, insert “providing for the review of settlements and resolutions of claims and arbitration decisions under an alternative dispute resolution system”; in line 9, strike “approved” and substitute “determined to be in compliance with certain provisions of law”; and in line 10, after “agreement;” insert “allowing certain employees subject to an agreement governed by this Act to seek treatment from certain health care providers under certain circumstances; requiring an agreement to provide for a certain appeal mechanism for use of certain health care providers; providing that an insurer is not required to underwrite a certain program”.

AMENDMENT NO. 2

On page 3, in line 4, strike “(4)” and substitute “(5)”; strike beginning with “AN” in line 8 down through “COMMISSION” in line 12 and substitute “AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM THAT MODIFIES, SUPPLEMENTS, OR REPLACES ALL OR PART OF THE DISPUTE PREVENTION AND DISPUTE RESOLUTION PROCESSES CONTAINED IN THIS TITLE, AND THAT MAY INCLUDE BUT IS NOT LIMITED TO MEDIATION AND BINDING ARBITRATION”; after line 23, insert:

“(2) (1) ALL SETTLEMENTS AND RESOLUTIONS OF CLAIMS UNDER AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM SHALL BE SUBMITTED TO THE COMMISSION FOR APPROVAL. THE COMMISSION SHALL APPROVE SETTLEMENTS AND RESOLUTIONS OF CLAIMS THAT THE COMMISSION DETERMINES ARE IN COMPLIANCE WITH THIS TITLE. ALL SETTLEMENTS AND RESOLUTIONS OF CLAIMS APPROVED BY THE COMMISSION ARE SUBJECT TO ASSESSMENTS UNDER §§ 9-806

(Over)

AND 9-1007 OF THIS TITLE.

(II) ALL ARBITRATION DECISIONS UNDER AN ALTERNATIVE DISPUTE RESOLUTION SYSTEM SHALL BE REVIEWABLE IN THE SAME MANNER AND UNDER THE SAME PROCEDURES AS A DECISION OF A COMMISSIONER.”;

in line 20, after “PROGRAM;” insert “AND”; strike beginning with the semicolon in line 21 down through “PLAN” in line 23; in line 24, strike “(2)” and substitute “(3)”; in line 25, after “WITH” insert “THE COMMISSION AND DETERMINED BY”; in the same line, after “COMMISSION” insert “TO BE IN COMPLIANCE WITH THIS SUBSECTION AND THIS TITLE”; in line 27, strike “APPROVED” and substitute “DETERMINED TO BE IN COMPLIANCE WITH THIS SUBSECTION AND THIS TITLE”; in lines 26, 29, and 35, strike “(3)”, “(4)”, and “(5)”, respectively, and substitute “(4)”, “(5)”, and “(6)”, respectively; in line 31, strike the second “OR”; in line 33, strike “PROVIDED” and substitute “SET FORTH”; in line 34, strike “TITLE.” and substitute “SUBSECTION;”; after line 34, insert:

“(III) AFFECTS THE IMPOSITION OF AN ASSESSMENT ON SETTLEMENTS AND RESOLUTIONS OF CLAIMS, AS DESCRIBED IN §§ 9-806 AND 9-1007 OF THIS TITLE; OR

(IV) AFFECTS CLAIMS MADE UNDER SUBTITLE 8 OR 10 OF THIS TITLE OR CLAIMS MADE UNDER TITLE 10, SUBTITLE 2 OF THIS ARTICLE.”;

and in line 35, strike “(4)” and substitute “(5)”.

AMENDMENT NO. 3

On page 3, strike in their entirety lines 37 through 39, inclusive, and substitute:

“(7) NOTWITHSTANDING PARAGRAPH (1)(II) OF THIS SUBSECTION, AN INJURED EMPLOYEE WHOSE INJURY OR TREATMENT IS RELATED TO A MEDICAL CONDITION FOR WHICH THE EMPLOYEE IS BEING OR HAS BEEN TREATED MAY CONTINUE TO SEEK TREATMENT FROM THE HEALTH CARE PROVIDER WHO IS TREATING OR HAS TREATED THE CONDITION.

(8) AN AGREEMENT UNDER THIS SUBSECTION SHALL PROVIDE FOR AN APPEAL MECHANISM FOR A COVERED EMPLOYEE WHO WISHES TO USE A HEALTH CARE PROVIDER WHO IS NOT ON THE AGREED LIST OF HEALTH CARE PROVIDERS.

(9) NOTHING IN THIS SUBSECTION REQUIRES AN INSURER TO UNDERWRITE A PROGRAM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.”.

AMENDMENT NO. 4

On page 4, in line 8, strike “4” and substitute “5”; and in line 9, strike “2001” and substitute “2002”.