
By: Delegates Wood, La Vay, and McClenahan

Introduced and read first time: January 31, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Medical Services and Treatment - Selection of Physician from**
3 **Panel**

4 FOR the purpose of providing that an employer or insurer that is required to provide
5 medical services or treatment to a covered employee may require the covered
6 employee to choose a physician from a panel of at least three physicians who have
7 been selected by the employer or insurer; providing that if the covered employee
8 declines to choose a physician from the panel, the covered employee is responsible
9 for all medical expenses of the covered employee as a result of the accidental
10 personal injury, compensable hernia, or occupational disease; allowing a covered
11 employee who has chosen a physician from the panel to choose a different physician
12 from the panel if the covered employee meets certain requirements; requiring the
13 employer or insurer to pay for a second opinion only under certain circumstances;
14 requiring the employer or insurer to pay a panel physician within a certain time
15 period; providing that if the employer or insurer determines that the covered
16 employee did not suffer an accidental personal injury, compensable hernia, or
17 occupational disease, the employer or insurer, after written notice to the treating
18 physician, is not responsible for the payment of any further medical expenses of the
19 covered employee; and generally relating to the provision of medical services and
20 treatment to a covered employee by an employer or its insurer.

21 BY repealing and reenacting, with amendments,
22 Article - Labor and Employment
23 Section 9-660
24 Annotated Code of Maryland
25 (1991 Volume and 1996 Supplement)

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

28 **Article - Labor and Employment**

29 9-660.

30 (a) In addition to the compensation provided under this subtitle AND SUBJECT
31 TO SUBSECTION (D) OF THIS SECTION, if a covered employee has suffered an accidental

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1 personal injury, compensable hernia, or occupational disease the employer or its insurer
2 promptly shall provide to the covered employee, as the Commission may require:

- 3 (1) medical, surgical, or other attendance or treatment;
- 4 (2) hospital and nursing services;
- 5 (3) medicine;
- 6 (4) crutches and other apparatus; and
- 7 (5) artificial arms, feet, hands, and legs and other prosthetic appliances.

8 (b) [The]SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE employer or its
9 insurer shall provide the medical services and treatment required under subsection (a) of
10 this section for the period required by the nature of the accidental personal injury,
11 compensable hernia, or occupational disease.

12 (c) Except as provided in § 9-736(b) and (c) of this title, any award or order of
13 the Commission under this section may not be construed to:

- 14 (1) reopen any case; or
- 15 (2) allow any previous award to be changed.

16 (D) (1) AN EMPLOYER OR INSURER THAT IS REQUIRED TO PROVIDE
17 MEDICAL SERVICES OR TREATMENT TO A COVERED EMPLOYEE UNDER THIS
18 SECTION MAY REQUIRE THE COVERED EMPLOYEE TO CHOOSE A PHYSICIAN FROM
19 A PANEL OF AT LEAST THREE LICENSED PHYSICIANS WHO:

- 20 (I) HAVE BEEN SELECTED BY THE EMPLOYER OR INSURER; AND
- 21 (II) ARE REASONABLY ACCESSIBLE TO THE COVERED EMPLOYEE
22 WITH RESPECT TO GEOGRAPHIC LOCATION.

23 (2) IF THE COVERED EMPLOYEE DECLINES TO CHOOSE A PHYSICIAN
24 FROM THE PANEL, THE COVERED EMPLOYEE IS RESPONSIBLE FOR ALL MEDICAL
25 EXPENSES OF THE COVERED EMPLOYEE AS A RESULT OF THE ACCIDENTAL
26 PERSONAL INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE.

27 (3) AFTER THREE VISITS TO A PHYSICIAN CHOSEN FROM THE PANEL, A
28 COVERED EMPLOYEE, ON WRITTEN NOTICE TO THE EMPLOYER OR INSURER, MAY
29 SELECT A DIFFERENT PHYSICIAN FROM THE PANEL.

30 (4) THE EMPLOYER OR INSURER SHALL PAY FOR A SECOND OPINION
31 ONLY IF:

- 32 (I) THE EMPLOYEE REQUESTS A SECOND OPINION IN WRITING;
- 33 AND
- 34 (II) THE SECOND OPINION DEALS WITH THE APPROPRIATENESS OF
35 SURGERY.

36 (5) THE EMPLOYER OR INSURER SHALL PAY A PANEL PHYSICIAN
37 WITHIN 30 DAYS AFTER THE EMPLOYER OR INSURER RECEIVES A PROPERLY

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1 SUBMITTED CLAIM AND ALL DOCUMENTATION NECESSARY TO EVALUATE THE
2 REASONABLENESS AND NECESSITY OF THE MEDICAL TREATMENT PROVIDED BY
3 THE PHYSICIAN.

4 (6) IF THE EMPLOYER OR INSURER DETERMINES DURING A COURSE OF
5 TREATMENT THAT THE COVERED EMPLOYEE DID NOT SUFFER AN ACCIDENTAL
6 INJURY, COMPENSABLE HERNIA, OR OCCUPATIONAL DISEASE, THE EMPLOYER OR
7 INSURER, AFTER WRITTEN NOTICE TO THE TREATING PHYSICIAN, IS NOT
8 RESPONSIBLE FOR THE PAYMENT OF ANY FURTHER MEDICAL EXPENSES INCURRED
9 BY THE COVERED EMPLOYEE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 1997.