

HOUSE BILL 796

Unofficial Copy
K1

1998 Regular Session
8r2505
CF 8r1138

By: **Delegate Exum (Workers' Compensation Benefit and Insurance
Oversight Committee)**

Introduced and read first time: February 12, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Notice on Termination of Medical Benefits**

3 FOR the purpose of requiring the insurer to notify a covered employee and the
4 employee's treating physician when the employee's workers' compensation
5 medical benefits terminate; specifying an exception; and generally relating to
6 workers' compensation.

7 BY repealing and reenacting, with amendments,
8 Article - Labor and Employment
9 Section 9-733
10 Annotated Code of Maryland
11 (1991 Volume and 1997 Supplement)

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

14 **Article - Labor and Employment**

15 9-733.

16 (a) (1) This section does not apply to a termination of temporary total
17 disability benefits if:

18 [(1)] (I) the covered employee has returned to the current employment
19 of the covered employee;

20 [(2)] (II) a treating physician chosen by the covered employee has
21 advised the covered employee that the covered employee has reached maximum
22 improvement from the disability of the covered employee; or

23 [(3)] (III) the termination is made after the termination date contained in
24 an order of the Commission.

25 (2) THIS SECTION DOES NOT APPLY TO A TERMINATION OF MEDICAL
26 BENEFITS IF A TREATING PHYSICIAN CHOSEN BY THE COVERED EMPLOYEE HAS

1 ADVISED THE COVERED EMPLOYEE THAT THE COVERED EMPLOYEE HAS REACHED
2 MAXIMUM MEDICAL IMPROVEMENT FROM THE DISABILITY OF THE COVERED
3 EMPLOYEE.

4 (b) (1) Before terminating the payment of temporary total disability benefits
5 OR MEDICAL BENEFITS, an insurer shall give the covered employee written notice of
6 the date that the benefits are to be terminated. IN THE CASE OF MEDICAL BENEFITS,
7 THE WRITTEN NOTICE SHALL ALSO BE SENT TO THE COVERED EMPLOYEE'S
8 TREATING PHYSICIAN.

9 (2) The notice shall accompany the final payment of temporary total
10 disability benefits to the covered employee.

11 (c) (1) The notice of termination under this section shall state:

12 [(1)] (I) the reasons for the termination;

13 [(2)] (II) that the covered employee has a right to request a hearing
14 before the Commission on the issue of the termination; and

15 [(3)] (III) the procedure and time for requesting a hearing.

16 (2) IN THE CASE OF MEDICAL BENEFITS, A COPY OF ANY MEDICAL
17 RECORD OR REPORT RELIED UPON BY THE INSURER IN MAKING THE TERMINATION
18 SHALL BE ATTACHED TO THE NOTICE.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 1998.