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

Introduced and read first time: February 12, 1998

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 1998

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation - Notice on Termination of Medical Benefits and**  
3 **Temporary Total Benefits**

4 FOR the purpose of requiring the insurer to notify a covered employee and the  
5 employee's treating physician or other health care provider when the employee's  
6 workers' compensation medical benefits terminate; ~~specifying an exception;~~  
7 providing for certain exceptions; expanding the requirement of notifying a  
8 covered employee when temporary total disability benefits terminate to apply to  
9 self-insurers; and generally relating to workers' compensation.

10 BY repealing and reenacting, with amendments,  
11 Article - Labor and Employment  
12 Section 9-733  
13 Annotated Code of Maryland  
14 (1991 Volume and 1997 Supplement)

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

17 **Article - Labor and Employment**

18 9-733.

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

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

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

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

8            (2)        THIS SECTION DOES NOT APPLY TO A TERMINATION OF MEDICAL  
9 BENEFITS IF:

10            (I)        THE TREATMENT BY A PHYSICIAN OR OTHER HEALTH CARE  
11 PROVIDER WAS NOT AUTHORIZED BY AN INSURER OR SELF-INSURER; OR

12            (II)        A TREATING PHYSICIAN OR OTHER HEALTH CARE PROVIDER  
13 CHOSEN BY THE COVERED EMPLOYEE HAS ADVISED THE COVERED EMPLOYEE THAT  
14 THE COVERED EMPLOYEE HAS REACHED MAXIMUM MEDICAL IMPROVEMENT FROM  
15 THE DISABILITY OF THE COVERED EMPLOYEE.

16        (b)    (1)        (I)        Before terminating the payment of temporary total disability  
17 benefits ~~OR MEDICAL BENEFITS~~, an insurer OR SELF-INSURER shall give the covered  
18 employee written notice of the date that the benefits are to be terminated. ~~IN THE~~  
19 ~~CASE OF MEDICAL BENEFITS, THE WRITTEN NOTICE SHALL ALSO BE SENT TO THE~~  
20 ~~COVERED EMPLOYEE'S TREATING PHYSICIAN~~

21            (II)        BEFORE TERMINATING THE PAYMENT OF MEDICAL BENEFITS,  
22 AN INSURER OR SELF-INSURER SHALL GIVE THE COVERED EMPLOYEE AND THE  
23 COVERED EMPLOYEE'S TREATING PHYSICIAN OR OTHER HEALTH CARE PROVIDER  
24 WRITTEN NOTICE OF THE DATE THAT THE BENEFITS ARE TO BE TERMINATED.

25            (2)        ~~The~~ IN THE CASE OF TEMPORARY TOTAL BENEFITS, THE notice shall  
26 accompany the final payment of temporary total disability benefits to the covered  
27 employee.

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

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

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

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

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

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