
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 - Claim Application Form**

3 FOR the purpose of requiring an employer or its insurer to inform certain employees
4 or their personal representative of their right to file a workers' compensation
5 claim application form under specified circumstances; establishing that a
6 certain notice and application form be provided; establishing certain sanctions
7 for failure to comply with this Act; requiring the Workers' Compensation
8 Commission to alter or develop a certain form; and generally relating to workers'
9 compensation claim application forms.

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 9-712
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 9-712.

19 (A) (1) IF A COVERED EMPLOYEE, OR IN THE CASE OF DEATH THE
20 EMPLOYEE'S DEPENDENT, GIVES NOTICE OF OR THE EMPLOYER HAS KNOWLEDGE
21 OF A WORK RELATED INJURY, OR THE EMPLOYEE HAS RECEIVED COMPENSATION OR
22 MEDICAL EXPENSES UNDER THIS ARTICLE, THEN THE EMPLOYER OR ITS INSURER
23 SHALL NOTIFY THE COVERED EMPLOYEE OR THE EMPLOYEE'S PERSONAL
24 REPRESENTATIVE OF THE RIGHT TO FILE A CLAIM APPLICATION FORM WITH THE
25 COMMISSION.

26 (2) THE NOTICE REQUIRED UNDER THIS SUBSECTION SHALL:

1 (I) BE IN WRITING AND SENT TO THE LAST KNOWN ADDRESS OF
2 THE COVERED EMPLOYEE;

3 (II) CONTAIN NOTIFICATION OF THE EMPLOYEE'S OR PERSONAL
4 REPRESENTATIVE'S RIGHT TO FILE A CLAIM APPLICATION FORM WITH THE
5 COMMISSION;

6 (III) CONTAIN NOTIFICATION OF THE 2-YEAR STATUTE OF
7 LIMITATIONS FOR FILING OF THE CLAIM APPLICATION FORM AND THAT FAILURE TO
8 FILE THE CLAIM WITHIN THE 2-YEAR PERIOD WILL RESULT IN THE DENIAL OF THE
9 CLAIM; AND

10 (IV) CONTAIN A BLANK CLAIM APPLICATION FORM.

11 (B) IF THE EMPLOYER OR ITS INSURER FAILS TO COMPLY WITH THE
12 REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION, THE EMPLOYER AND ITS
13 INSURER ARE PROHIBITED FROM RAISING THE DEFENSE OF STATUTE OF
14 LIMITATIONS SET FORTH IN §§ 9-709(B)(3), 9-710(C)(2), AND 9-711(A) OF THIS TITLE.

15 [(a)] (C) If the employer or its insurer directs or requests a covered employee
16 or, in case of death, the personal representative of the covered employee to submit the
17 claim application form to the insurer, on receipt of the claim application form the
18 insurer immediately shall file the claim application form with the Commission.

19 [(b)] (D) The employer or insurer may not advise the covered employee or the
20 personal representative of the covered employee that the claim has been denied.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Workers'
22 Compensation Commission shall alter the "Workers' Compensation - First Report of
23 Injury or Illness" form or develop a new standardized form that may be sent by
24 employers and insurers to covered employees in carrying out the notification
25 requirements of § 9-712(a)(2) of the Labor and Employment Article, as enacted by
26 this Act.

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1998.