

SENATE BILL 542

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1998 Regular Session
8r1138
CF 8r2505

By: **Senator Derr (Workers' Compensation Benefit and Insurance Oversight
Committee)**

Introduced and read first time: February 6, 1998

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of requiring the insurer or self-insurer to notify a covered employee
4 and the employee's treating physician when the employee's workers'
5 compensation medical benefits terminate; specifying an exception; and
6 generally relating to 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 OR SELF-INSURER shall give the covered
6 employee written notice of the date that the benefits are to be terminated. IN THE
7 CASE OF MEDICAL BENEFITS, THE WRITTEN NOTICE SHALL ALSO BE SENT TO THE
8 COVERED EMPLOYEE'S TREATING PHYSICIAN WHERE TREATMENT HAD BEEN
9 AUTHORIZED BY THE INSURER OR SELF-INSURER.

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

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

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

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

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

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

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