

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

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 4, 1998

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 or self-insurer to notify a covered employee
5 and the employee's treating physician or health care provider when the
6 employee's workers' compensation medical benefits terminate; specifying ~~an~~
7 ~~exception;~~ exceptions; expanding the requirement of notifying a covered
8 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 HEALTH CARE PROVIDER
11 WAS NOT AUTHORIZED BY AN INSURER OR SELF-INSURER; OR

12 (II) A TREATING PHYSICIAN OR HEALTH CARE PROVIDER CHOSEN
13 BY THE COVERED EMPLOYEE HAS ADVISED THE COVERED EMPLOYEE THAT THE
14 COVERED EMPLOYEE HAS REACHED MAXIMUM MEDICAL IMPROVEMENT FROM THE
15 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 WHERE TREATMENT HAD BEEN~~
21 ~~AUTHORIZED BY THE INSURER OR SELF-INSURER~~

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

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

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

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

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

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

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

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