

SENATE BILL 543

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1998 Regular Session  
8r1137  
CF 8r2507

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

Introduced and read first time: February 6, 1998

Assigned to: Finance

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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, OR THE EMPLOYER HAS KNOWLEDGE, OF A  
21 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.