
By: **Delegate La Vay**
Introduced and read first time: February 18, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Permanent Impairment - Behavioral or Mental**
3 **Disorder**

4 FOR the purpose of requiring that, in a workers' compensation claim for a permanent
5 impairment that involves a behavioral or mental disorder, a licensed
6 psychologist perform a psychological evaluation of the impairment and report
7 the evaluation to the Workers' Compensation Commission; and requiring that
8 the psychological evaluation include certain findings and assessments.

9 BY repealing and reenacting, with amendments,
10 Article - Labor and Employment
11 Section 9-721
12 Annotated Code of Maryland
13 (1999 Replacement Volume)

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

16 **Article - Labor and Employment**

17 9-721.

18 (a) [A] EXCEPT AS PROVIDED UNDER SUBSECTION (C) OF THIS SECTION, A
19 physician shall evaluate a permanent impairment and report the evaluation to the
20 Commission in accordance with the regulations of the Commission.

21 (b) A medical evaluation of a permanent impairment shall include information
22 about:

- 23 (1) atrophy;
- 24 (2) pain;
- 25 (3) weakness; and
- 26 (4) loss of endurance, function, and range of motion.

1 (C) (1) IF THE PERMANENT IMPAIRMENT INVOLVES A BEHAVIORAL OR
2 MENTAL DISORDER, A LICENSED PSYCHOLOGIST SHALL:

3 (I) PERFORM A PSYCHOLOGICAL EVALUATION OF THE
4 PERMANENT IMPAIRMENT; AND

5 (II) REPORT THE EVALUATION TO THE COMMISSION IN
6 ACCORDANCE WITH REGULATIONS ADOPTED BY THE COMMISSION.

7 (2) A PSYCHOLOGICAL EVALUATION OF A PERMANENT IMPAIRMENT
8 RELATING TO A BEHAVIORAL OR MENTAL DISORDER PERFORMED UNDER THIS
9 SUBSECTION SHALL INCLUDE:

10 (I) FINDINGS REGARDING THE PRESENCE AND SEVERITY OF THE
11 MENTAL OR BEHAVIORAL DISORDER;

12 (II) AN ASSESSMENT OF THE IMPACT OF THE MENTAL OR
13 BEHAVIORAL DISORDER ON THE EMPLOYEE'S NORMAL LIFE ACTIVITIES; AND

14 (III) AN ASSESSMENT OF THE EFFECT OF THE IMPAIRMENT ON THE
15 EMPLOYEE'S MENTAL OR BEHAVIORAL FUNCTIONS.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2000.