

HOUSE BILL 913

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2002 Regular Session
2lr2146
CF 2lr2145

By: **Delegates McHale and Minnick**
Introduced and read first time: February 8, 2002
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Payment to a Health Care Practitioner - Claims**

3 FOR the purpose of requiring an employer or its insurer to accept a certain form for
4 certain reimbursements; requiring an employer or its insurer to comply with
5 certain regulations; prohibiting an employer or its insurer from requiring the
6 modification of a certain form or requiring other forms; requiring accrued
7 interest to be paid to a certain health care provider in a certain manner; and
8 generally relating to workers' compensation.

9 BY repealing and reenacting, with amendments,
10 Article - Labor and Employment
11 Section 9-660 and 9-664
12 Annotated Code of Maryland
13 (1999 Replacement Volume and 2001 Supplement)

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 9-660.

18 (a) In addition to the compensation provided under this subtitle, if a covered
19 employee has suffered an accidental personal injury, compensable hernia, or
20 occupational disease the employer or its insurer promptly shall provide to the covered
21 employee, as the Commission may require:

- 22 (1) medical, surgical, or other attendance or treatment;
- 23 (2) hospital and nursing services;
- 24 (3) medicine;
- 25 (4) crutches and other apparatus; and
- 26 (5) artificial arms, feet, hands, and legs and other prosthetic appliances.

1 (b) The employer or its insurer shall provide the medical services and
2 treatment required under subsection (a) of this section for the period required by the
3 nature of the accidental personal injury, compensable hernia, or occupational disease.

4 (c) FOR SERVICES RENDERED BY A HEALTH CARE PRACTITIONER TO A
5 COVERED EMPLOYEE ENTITLED TO SERVICES UNDER THIS SECTION, THE EMPLOYER
6 OR ITS INSURER:

7 (1) SHALL ACCEPT THE UNIFORM CLAIMS FORM AND ANY
8 ATTACHMENTS APPROVED OR ADOPTED BY THE INSURANCE COMMISSIONER UNDER
9 § 15-1003 OF THE INSURANCE ARTICLE:

10 (I) AS A PROPERLY FILED CLAIM WITH ALL NECESSARY
11 DOCUMENTATION; AND

12 (II) AS THE SOLE INSTRUMENT FOR REIMBURSEMENT;

13 (2) MAY NOT IMPOSE AS A CONDITION OF REIMBURSEMENT A
14 REQUIREMENT TO:

15 (I) MODIFY THE UNIFORM CLAIMS FORM OR ITS CONTENT; OR

16 (II) SUBMIT ADDITIONAL CLAIMS FORMS; AND

17 (3) SHALL COMPLY WITH THE REGULATIONS ADOPTED UNDER §
18 15-1003(D) OF THE INSURANCE ARTICLE THAT DEFINE A CLEAN CLAIM.

19 (D) IF AN EMPLOYER OR ITS INSURER HAS DELEGATED ITS CLAIMS
20 PROCESSING FUNCTION TO A THIRD PARTY, THE DELEGATION AGREEMENT:

21 (1) SHALL REQUIRE THE CLAIMS PROCESSING ENTITY TO COMPLY WITH
22 THE REQUIREMENTS OF THIS SECTION; AND

23 (2) MAY NOT BE CONSTRUED TO LIMIT THE RESPONSIBILITY OF THE
24 EMPLOYER OR ITS INSURER TO COMPLY WITH THE REQUIREMENTS OF THIS
25 SECTION.

26 (E) Except as provided in § 9-736(b) and (c) of this title, any award or order of
27 the Commission under this section may not be construed to:

28 (1) reopen any case; or

29 (2) allow any previous award to be changed.

30 9-664.

31 (a) (1) If the Commission finds that the employer or its insurer has failed,
32 without good cause, to pay for treatment or services required by § 9-660 of this Part
33 IX of this subtitle within 45 days after the Commission, by order, finally approves the
34 fee or charge for the treatment or services, the Commission may impose a fine on the
35 employer or insurer, not exceeding 20% of the amount of the approved fee or charge.

1 (2) The employer or insurer shall pay the fine to the Commission to be
2 deposited in the General Fund of the State.

3 (b) (1) Interest, payable to the provider of the treatment or services, shall
4 accrue at the rate specified in § 11-107(a) of the Courts Article on any amount owed
5 to the provider that:

6 (i) is due and payable; and

7 (ii) remains unpaid more than 45 days after notice of the payment
8 due has been mailed.

9 (2) Interest shall accrue beginning on the 46th day after the later of:

10 (i) the day the payment becomes due; or

11 (ii) the day the notice of the payment due is mailed.

12 (3) THE EMPLOYER OR INSURER SHALL PAY ANY INTEREST DUE UNDER
13 THIS SUBSECTION TO THE PROVIDER OF THE TREATMENT OR SERVICE WITHOUT
14 REQUIRING THE PROVIDER TO SUBMIT AN ADDITIONAL CLAIM FOR INTEREST.

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2002.