
By: **Delegates Smigiel, Boutin, Costa, Donoghue, Dumais, Dwyer, Haynes, Impallaria, Kaiser, Krysiak, McHale, Sophocleus, Sossi, V. Turner, and Walkup**

Introduced and read first time: February 6, 2003
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Termination of Payments - Commission Order**

3 FOR the purpose of requiring an insurer or self-insurer to obtain a written order
4 from the Workers' Compensation Commission stating that benefits are to be
5 terminated before terminating the payment of temporary total disability
6 payments or medical payments; requiring the order of the Commission to be
7 attached to a certain notice; and generally relating to orders of the Workers'
8 Compensation Commission terminating temporary total disability payments
9 and medical payments.

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 9-733
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2002 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:

21 (i) the covered employee has returned to the current employment
22 of the covered employee;

23 (ii) a treating physician chosen by the covered employee has
24 advised the covered employee that the covered employee has reached maximum
25 improvement from the disability of the covered employee; or

1 (iii) the termination is made after the termination date contained in
2 an order of the Commission.

3 (2) This section does not apply to a termination of medical benefits if:

4 (i) the treatment by a physician or health care provider was not
5 authorized by an insurer or self-insurer; or

6 (ii) a treating physician or health care provider chosen by the
7 covered employee has advised the covered employee that the covered employee has
8 reached maximum medical improvement from the disability of the covered employee.

9 (b) (1) (i) Before terminating the payment of temporary total disability
10 benefits, an insurer or self-insurer shall give the covered employee written notice of
11 the date that the benefits are to be terminated.

12 (ii) Before terminating the payment of medical benefits, an insurer
13 or self-insurer shall give the covered employee and the covered employee's treating
14 physician or health care provider written notice of the date that the benefits are to be
15 terminated.

16 (2) In the case of temporary total benefits, the notice shall accompany
17 the final payment of temporary total disability benefits to the covered employee.

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

19 (i) the reasons for the termination;

20 (ii) that the covered employee has a right to request a hearing
21 before the Commission on the issue of the termination; and

22 (iii) the procedure and time for requesting a hearing.

23 (2) In the case of medical benefits, a copy of any medical record or report
24 relied upon by the insurer or self-insurer in making the termination shall be attached
25 to the notice.

26 (D) (1) BEFORE TERMINATING THE PAYMENT OF TEMPORARY TOTAL
27 DISABILITY BENEFITS OR MEDICAL BENEFITS, AN INSURER OR SELF-INSURER
28 SHALL OBTAIN A WRITTEN ORDER OF THE COMMISSION STATING THAT BENEFITS
29 ARE TO BE TERMINATED.

30 (2) THE ORDER OF THE COMMISSION SHALL BE ATTACHED TO THE
31 WRITTEN NOTICE REQUIRED TO BE GIVEN TO THE COVERED EMPLOYEE UNDER
32 SUBSECTION (B) OF THIS SECTION.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2003.