

Department of Legislative Services
Maryland General Assembly
2004 Session

FISCAL AND POLICY NOTE

House Bill 760
Economic Matters

(Delegate Wood, *et al.*)

Workers' Compensation - Evaluation of Permanent Impairments

This bill specifies that if permanent impairment for a workers' compensation claim involves a behavioral or mental disorder, either a licensed psychologist or qualified physician must: (1) perform an evaluation of the permanent impairment; and (2) report the evaluation to the Workers' Compensation Commission (WCC) in accordance with commission regulations.

Fiscal Summary

State Effect: None. The bill would not materially affect State government operations.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Current law provides that a physician must evaluate a permanent impairment and report the evaluation to the commission. The evaluation is required to include information about atrophy, pain, weakness, and loss of endurance, function, and range of motion. There are no specific provisions in current law related to behavioral or mental disorders. Psychologists are not specifically permitted to perform evaluations.

Background: The Workers' Compensation Oversight Committee reviewed this issue in 2000. Representatives of the Maryland Psychological Association and the Maryland Psychiatric Society addressed the committee concerning current law which requires that a

physician perform an evaluation of permanent impairment. Psychological Association representatives explained that psychologists are qualified to perform these evaluations. Psychologists have been able to provide testimony at WCC hearings; however, WCC evaluates the testimony's merit on a case-by-case basis. When psychologists do an evaluation, they follow the American Medical Association guidelines for testing and standards.

Additional Information

Prior Introductions: HB 298 of 2001, a similar bill, received an unfavorable report from the House Economic Matters Committee.

Cross File: SB 401 (Senator Exum, *et al.*) – Finance.

Information Source(s): Uninsured Employers' Fund, Workers' Compensation Commission, Injured Workers' Insurance Fund, Subsequent Injury Fund, Department of Legislative Services

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mll/mdr

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