
By: **Delegate Moe**

Introduced and read first time: February 22, 2005

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Standards of Health Care - Accessibility and**
3 **Schedule of Treatment**

4 FOR the purpose of requiring the Workers' Compensation Commission to evaluate, on
5 an annual basis, injured workers' access to health care and to include certain
6 information in a certain report; requiring the Commission, by a certain date, to
7 adopt regulations setting a certain treatment schedule; requiring the
8 Commission to conduct a certain review and evaluation by a certain date and
9 every 3 years thereafter; requiring the Commission to make appropriate
10 revisions to a certain treatment schedule; and generally relating to standards of
11 care and workers' compensation law.

12 BY repealing and reenacting, with amendments,
13 Article - Labor and Employment
14 Section 9-312 and 9-663
15 Annotated Code of Maryland
16 (1999 Replacement Volume and 2004 Supplement)

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

19 **Article - Labor and Employment**

20 9-312.

21 (a) (1) As soon as practicable after the end of the fiscal year, the Chairman
22 of the Commission shall submit an annual report to the Governor.

23 (2) The annual report shall include:

24 (i) any suggestions to improve the administration of this title;

25 (ii) a detailed statement of receipts and disbursements of the
26 Commission; [and]

27 (iii) statistical analyses of:

- 1 1. the costs of workers' compensation;
- 2 2. experiences; and
- 3 3. industrial injuries; AND

4 (IV) AN EVALUATION OF INJURED WORKERS' ACCESS TO HEALTH
5 CARE, INCLUDING:

- 6 1. FINDINGS AS TO WHETHER THERE IS ADEQUATE ACCESS
7 TO QUALITY HEALTH CARE AND PRODUCTS FOR INJURED WORKERS;
- 8 2. A REVIEW OF THE INFORMATION CONSIDERED BY THE
9 COMMISSION TO ARRIVE AT ITS FINDINGS; AND
- 10 3. ANY RECOMMENDATIONS FOR LEGISLATIVE ACTION TO
11 REMOVE ANY IDENTIFIED BARRIERS TO ACCESS TO HEALTH CARE FOR INJURED
12 WORKERS.

13 (b) Whenever the Commission determines there is probable cause to believe
14 that, during the immediately preceding 1-year period, there has been an excessive
15 number or a high rate of industrial injuries associated with an employer or industry,
16 the Commission shall report the determination to the Commissioner of Labor and
17 Industry.

18 9-663.

19 (a) (1) The Commission shall adopt regulations setting standards for the
20 assessment of fines under § 9-664 of this Part IX of this subtitle.

21 (2) The Commission may adopt regulations about:

22 (i) the provision of medicine and medical, nursing, and hospital
23 services to a covered employee;

24 (ii) payment for the medicine and services; and

25 (iii) the exercise by the Chairman of the Commission of the powers
26 granted under § 9-662 of this subtitle.

27 (b) (1) The Commission may regulate fees and other charges for medical
28 services or treatment under this subtitle.

29 (2) Each fee or other charge for medical service or treatment under this
30 subtitle is limited to the amount that prevails in the same community for similar
31 treatment of an injured individual with a standard of living that is comparable to that
32 of the covered employee.

33 (3) At least once every 2 years, the Commission shall:

1 (i) review its guide of medical and surgical fees for completeness
2 and reasonableness; and

3 (ii) make appropriate revisions to the guide of medical and surgical
4 fees.

5 (C) ON OR BEFORE DECEMBER 1, 2006, THE COMMISSION SHALL ADOPT
6 REGULATIONS SETTING A SCHEDULE OF MEDICAL TREATMENT UTILIZATION
7 STANDARDS THAT SHALL ADDRESS, AT A MINIMUM, THE FREQUENCY, DURATION,
8 INTENSITY, AND APPROPRIATENESS OF TREATMENT PROCEDURES AND MODALITIES
9 COMMONLY PERFORMED IN WORKERS' COMPENSATION CASES.

10 (D) (1) AS SOON AS PRACTICABLE AFTER THE BEGINNING OF FISCAL YEAR
11 2007, AND AT LEAST EVERY 3 YEARS THEREAFTER, THE COMMISSION SHALL:

12 (I) CONDUCT A REVIEW AND EVALUATION OF EVIDENCE-BASED,
13 PEER-REVIEWED, NATIONALLY RECOGNIZED STANDARDS OF CARE; AND

14 (II) REPORT THE FINDINGS OF THE REVIEW TO THE HOUSE
15 ECONOMIC MATTERS COMMITTEE, SENATE FINANCE COMMITTEE, AND WORKERS'
16 COMPENSATION BENEFIT AND INSURANCE OVERSIGHT COMMITTEE OF THE
17 GENERAL ASSEMBLY.

18 (2) AT A MINIMUM, THE REVIEW REQUIRED UNDER PARAGRAPH (1) OF
19 THIS SUBSECTION SHALL INCLUDE AN EVALUATION OF MEDICAL REVIEW
20 STANDARDS:

21 (I) IN OTHER STATES;

22 (II) AT THE FEDERAL LEVEL; AND

23 (III) IN A VARIETY OF MEDICAL BENEFIT SYSTEMS.

24 (3) BASED ON EACH REVIEW AND EVALUATION CONDUCTED UNDER
25 PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL MAKE APPROPRIATE
26 REVISIONS TO THE SCHEDULE OF MEDICAL TREATMENT UTILIZATION STANDARDS
27 DESCRIBED IN SUBSECTION (C) OF THIS SECTION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2005.