

---

By: **Senators Exum, Astle, Della, Gladden, Hooper, Kelley, and Teitelbaum**  
Introduced and read first time: January 27, 2005  
Assigned to: Finance

---

Committee Report: Favorable  
Senate action: Adopted  
Read second time: March 21, 2005

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Workers' Compensation - Evaluation of Permanent Impairments**

3 FOR the purpose of requiring that a licensed psychologist or a qualified physician  
4 perform an evaluation of only the mental or behavioral portion of a permanent  
5 impairment in a workers' compensation case under certain circumstances;  
6 requiring that the report of an evaluation in a case that involves a behavioral or  
7 mental disorder be submitted to the Workers' Compensation Commission in  
8 accordance with the regulations of the Commission; and generally relating to  
9 the evaluation of a permanent impairment under workers' compensation law.

10 BY repealing and reenacting, with amendments,  
11 Article - Labor and Employment  
12 Section 9-721  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2004 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 9-721.

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

1 (b) A medical evaluation of a permanent impairment shall include information  
2 about:

- 3 (1) atrophy;
- 4 (2) pain;
- 5 (3) weakness; and
- 6 (4) loss of endurance, function, and range of motion.

7 (C) IF A PERMANENT IMPAIRMENT INVOLVES A BEHAVIORAL OR MENTAL  
8 DISORDER, A LICENSED PSYCHOLOGIST OR QUALIFIED PHYSICIAN SHALL:

9 (1) PERFORM AN EVALUATION OF ONLY THE MENTAL OR BEHAVIORAL  
10 PORTION OF THE PERMANENT IMPAIRMENT; AND

11 (2) REPORT THE EVALUATION TO THE COMMISSION IN ACCORDANCE  
12 WITH THE REGULATIONS OF THE COMMISSION.

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