

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**

House Bill 1289

(Delegate McHale, *et al.*)

Economic Matters

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

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This bill specifies that if a permanent impairment for a workers' compensation claim involves a mental, emotional, or behavioral disorder, a licensed certified social worker-clinical may evaluate the impairment and report the evaluation to the Workers' Compensation Commission (WCC) in accordance with commission regulations.

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** 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. Under WCC regulations, a physician must use the format and numerical ratings used in the fourth edition of the AMA Guidelines to the Evaluation of Permanent Impairment.

In order to determine the extent of an injured worker's permanent injury, an impairment rating assigned by a physician based on a percentage of the loss of the use of a particular body area or part is converted into a benefit amount based on the pre-injury wage. Methods for determining the degree of a disability and the amount of benefit to be paid to

a worker who is entitled to a permanent partial benefit are complex and differ among states.

There are no specific provisions in current law related to behavioral or mental disorders. Social worker-clinicals are not specifically permitted to perform evaluations. Only physicians are permitted to evaluate a permanent impairment, though the commission may consider opinions of other medical professionals in making a determination.

**Background:** The Injured Workers' Insurance Fund and other carriers use licensed psychiatrists to evaluate mental disorders, comporting with the general rule that a physician must evaluate impairments. This bill extends this authority to a licensed certified social worker-clinical.

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## Additional Information

**Prior Introductions:** None.

**Cross File:** SB 856 (Senator Kelley, *et al.*) – Finance.

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

**Fiscal Note History:** First Reader - February 27, 2005  
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