

**Department of Legislative Services**  
Maryland General Assembly  
2006 Session

**FISCAL AND POLICY NOTE**  
**Revised**

Senate Bill 802

(Senator Kittleman)

Finance

Economic Matters

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**Workers' Compensation Commission - Authorization for Release of Medical Information - Work-Related Injury or Occupational Disease**

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This bill requires a health care provider to disclose a medical record on receipt of an authorization of the person in interest for the release of medical information that is filed with the Workers' Compensation Commission (WCC). The bill requires a covered employee or, when the covered employee is deceased, the covered employee's dependents or an individual on the dependents' behalf, to file within the specified time a workers' compensation claim application form and an authorization to release the relevant medical information.

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**Fiscal Summary**

**State Effect:** Any change in State activities would not materially affect State finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Chapter 503 of 2005 prohibits health care providers from providing medical information without a person's authorization unless the person has been given notice of the request and has 30 days to object. This has caused delays in the workers' compensation system. The bill sets up a process so that the authorization by the injured worker is provided at the time of filing a claim.

A health care provider must disclose a medical record on the authorization of a person in interest. Except as otherwise provided, an authorization must: • be in writing, dated and signed by the person in interest; • state the name of the health care provider; • identify to whom the information is to be disclosed; • state the period of time that the authorization is valid; and • apply only to a medical record developed by the health care provider unless, in writing, the authorization specifies disclosure of a medical record that the provider received from another provider and the other provider has not prohibited the disclosure.

A health care provider must disclose a medical record on receipt of a preauthorized form that is part of an application for insurance. Except in cases of criminal justice referrals, a person in interest may revoke a written authorization. A copy of the written authorization, any action taken in response to the authorization, and any revocation of an authorization must be entered in the medical record of a patient or recipient

Except for a covered employee who is disabled due to an accidental personal injury from ionizing radiation, if a covered employee suffers an accidental personal injury, the covered employee, within 60 days after the date of the injury, must file with WCC a claim application form and, if the covered employee was attended by a physician chosen by the covered employee, the report of the physician. If a covered employee is disabled due to an accidental personal injury from ionizing radiation, the covered employee must file a claim with WCC within two years after the date of disablement or the date when the covered employee first knew that the disablement was due to ionizing radiation. Unless excused by WCC, failure to file a claim bars a claim.

If a covered employee dies from an accidental personal injury, the dependents of the covered employee or an individual on their behalf must, within 18 months after the date of death, file with WCC a claim application form, proof of death, certificates of any physician who attended the covered employee, and any other proof that WCC may require by regulation. If a failure to file a claim was caused by fraud or by facts and circumstances amounting to an estoppel, the dependents of the covered employee or an individual on their behalf must file a claim application with WCC within one year after the date of the discovery of fraud or the date when facts and circumstances that amount to estoppel cease to operate. Failure to file a claim application bars a claim. This does not apply to a claim for death due to an accidental personal injury from ionizing radiation.

If a covered employee suffers a disablement or death as a result of an occupational disease, the covered employee or the covered employee's dependents must file a claim with WCC within two years, or in the case of pulmonary dust disease within three years, after the date of disablement or death or when the covered employee or the dependents of the covered employee first had actual knowledge that the disablement was caused by the

employment. Unless waived by WCC, failure to file a claim bars a claim.

**Background:** WCC advises that the bill may encourage the voluntary exchange of medical records and may reduce the commission's need to process subpoenas.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 749 (Delegate Wood) – Economic Matters.

**Information Source(s):** Department of Health and Mental Hygiene, Workers' Compensation Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 17, 2006  
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