

**Department of Legislative Services**  
Maryland General Assembly  
2007 Session

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

Senate Bill 600  
Finance

(Senator Kittleman)

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 for the release of medical information that is included with a claim application form filed with the Workers' Compensation Commission (WCC).

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**Fiscal Summary**

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

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Bill Summary:** A claim application form filed for accidental personal injury or occupational disease must include an authorization by the claimant for the release of medical information, including information on the member of the body that was injured and a description of how the injury occurred. An authorization for the release of medical information includes history, findings, patient charts, files, examination and progress notes, and physical evidence. The authorization is effective for a period of one year after a claim is filed and does not restrict the redisclosure of medical information to a medical manager, health care professional, or certified rehabilitation practitioner.

**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.

A health care provider must disclose a medical record upon receipt of a written, dated, and signed authorization of a person in interest. The authorization must state the name of the health care provider, identify the intended recipient of the medical record, and specify a period of up to one year for which the authorization is valid. The authorization applies only to a record developed by the health care provider unless: (1) the authorization specifies that the authorization includes records received from another provider and, (2) that provider has not prohibited redisclosure.

A health care provider must disclose a medical record on receipt of a preauthorized form that is part of an insurance application. 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.

#### *Filing of Workers' Compensation Claim Applications*

A covered employee who suffers an accidental personal injury must file a WCC claim application form within 60 days of the date of injury. If the employee was attended by a physician of his choosing, the report of the physician must be included with the claim form. Covered employees disabled from ionizing radiation are provided additional time in which to file a claim.

If a covered employee dies from an accidental personal injury, an individual acting on the dependents' behalf must file a claim application form with WCC within 18 months of death that includes proof of death, certificates of any physician who attended the covered employee, and any other proof required by regulation.

If failure to file a claim was caused by fraud or other circumstances that resulted in a legitimate expectation, the dependents of a covered employee must file a claim application with WCC within one year after the date of the discovery of fraud or contravening circumstances. Failure to file a claim application within the specified time period bars a claim, with the exception of claims for death from ionizing radiation.

If a covered employee suffers a disablement or death as a result of an occupational disease, the covered employee or representative must file a claim with WCC within two years after the date of disablement or death or the date of first knowledge that the disablement was caused by the employment.

Failure to file the required information bars a claim unless requirements are specifically waived by WCC.

**Background:** The bill establishes procedures whereby an injured worker provides authorization for release of medical information at the time when a claim application is filed. Current disclosure requirements can result in delays in adjusting claims and postponement of hearings. WCC advises that the bill may encourage the voluntary exchange of records. Modifications to the claim form are not expected to result in increases in expenditures.

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### **Additional Information**

**Prior Introductions:** Similar bills, HB 749/SB 802 (cross files), were introduced in 2006. HB 749 received an unfavorable report from the House Economic Matters Committee. SB 802 passed the Senate as amended by the Senate Finance Committee but also received an unfavorable report from the House Economic Matters Committee.

**Cross File:** None.

**Information Source(s):** National Council on Compensation Insurance, Workers' Compensation Commission, Department of Health and Mental Hygiene, Maryland Insurance Administration, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2007  
mll/jr Revised - Senate Third Reader - April 3, 2007

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