

HOUSE BILL 1255

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9lr1335

By: **Delegates Manno and Schuler**

Introduced and read first time: February 13, 2009

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Regulatory Power of Commission - Forensic**
3 **Services**

4 FOR the purpose of expanding the authority of the Workers' Compensation
5 Commission to regulate certain fees and services to include fees for certain
6 forensic medical services paid by certain parties; providing that certain services
7 that are provided during a certain appeal are exempt from regulation; and
8 generally relating to the regulatory power of the Workers' Compensation
9 Commission.

10 BY repealing and reenacting, with amendments,
11 Article - Labor and Employment
12 Section 9-663
13 Annotated Code of Maryland
14 (2008 Replacement Volume)

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 9-663.

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;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) payment for the medicine and services; and
- 2 (iii) the exercise by the Chairman of the Commission of the
- 3 powers granted under § 9-662 of this subtitle.

4 (b) (1) **IN THIS SUBSECTION, "FORENSIC MEDICAL SERVICES"**

5 **INCLUDES:**

6 (I) **PROVIDING A MEDICAL EXAM OF A COVERED**

7 **EMPLOYEE; OR**

8 (II) **PREPARING OR PROVIDING A REPORT, EVALUATION, OR**

9 **TESTIMONY RELATED TO A CLAIM OR PROCEEDING FOR A WORKERS'**

10 **COMPENSATION CLAIM.**

11 (2) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS**

12 **SUBSECTION, THE Commission may regulate fees and other charges for medical**

13 **services or treatment under this subtitle, INCLUDING FEES PAID BY EITHER PARTY**

14 **FOR FORENSIC MEDICAL SERVICES.**

15 [(2)] (3) **[Each] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF**

16 **THIS SUBSECTION, EACH** fee or other charge for medical service or treatment under

17 this subtitle is limited to the amount that prevails in the same community for similar

18 treatment of an injured individual with a standard of living that is comparable to that

19 of the covered employee.

20 (4) **THIS SUBSECTION DOES NOT APPLY TO FEES CHARGED FOR**

21 **FORENSIC MEDICAL SERVICES PROVIDED DURING AN APPEAL OF A DECISION OF**

22 **THE COMMISSION.**

23 [(3)] (5) At least once every 2 years, the Commission shall:

24 (i) review its guide of medical and surgical fees for

25 completeness and reasonableness; and

26 (ii) make appropriate revisions to the guide of medical and

27 surgical fees.

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

29 October 1, 2009.