

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1307
Economic Matters

(Delegates Rose and Shoemaker)

Workers' Compensation – Complex Regional Pain Syndrome

This bill expressly requires an employer to provide workers' compensation benefits to a covered employee who is diagnosed with complex regional pain syndrome (CRPS) caused by an accidental personal injury arising out of and in the course of employment if (1) the employee provides definitive proof that satisfies the Workers' Compensation Commission (WCC) that the syndrome did not exist before the accidental personal injury occurred and (2) the accidental personal injury was reported to the employer within 30 days after its occurrence.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances, as discussed below.

Chesapeake Employers' Insurance Company (Chesapeake) Effect: The bill is not expected to materially affect Chesapeake operations or finances, as discussed below.

Local Effect: The bill is not expected to materially affect local government operations or finances, as discussed below.

Small Business Effect: Minimal.

Analysis

Current Law: Workers' Compensation Law requires the employer or its insurer to pay for specified medical care and treatment for an injured employee who experiences a compensable injury or occupational disease. This includes (1) medical, surgical, or other

attendance or treatment; (2) hospital and nursing services; (3) medicine; (4) crutches and other apparatus; and (5) artificial arms, feet, hands, and legs and other prosthetic appliances. This medical care and treatment must be provided for an appropriate time period, depending on the nature and type of personal injury, compensable hernia, or occupational disease.

If a covered employee is injured or dies due to an accidental personal injury, notice must be given to the employer (1) for injury, within 10 days after the accidental personal injury; or (2) for death, within 30 days after the death. The notice requirement for an occupational disease is within one year after the covered employee knows or has reason to believe that he or she has an occupational disease. Failure to comply with these notice requirements may result in an employer or insurer not being required to pay compensation; however, WCC can excuse the failure under certain conditions.

For a compensable hernia, an employer is expressly required to provide compensation benefits if (1) the covered employee provides definitive proof to WCC that the hernia did not exist before the injury or an existing hernia immediately requires surgery because of the injury and (2) the accidental personal injury was reported to the employer within 30 days after its occurrence. Similar requirements and conditions are established for CRPS under the bill.

Background: The National Institute of Neurological Disorders and Stroke defines CRPS as a chronic pain condition that most often affects one limb and usually occurs after an injury. CRPS is believed to be caused by damage to, or malfunction of, the peripheral and central nervous systems. The institute advises that there is no specific test that can confirm CRPS and that its diagnosis is based on a person's medical history and the signs and symptoms that match the definition.

State/Chesapeake/Local/Small Business Effect: Chesapeake advises that existing law likely already requires an employer or its insurer to provide compensation for CRPS that results from the compensable injury. The bill does; however, expressly require CRPS to be covered and the timeframe established for reporting the injury is increased from 10 days to 30 days. Thus, the bill may increase costs for some employers to the extent CRPS is covered when it otherwise would not have been; however, this situation is likely to be rare, and any impact is likely to be minimal.

Additional Comments: The Department of Legislative Services notes the bill creates a situation where an employee may be denied a claim for an injury but then subsequently be awarded a claim for CRPS that results from the injury. For example, an employee who reports an injury 20 days after the injury takes place may be denied his or her award (unless excused by WCC), because current law requires an injury to be reported within 10 days.

If the injury then results in CRPS, the employee is entitled to compensation under the bill, because the injury was reported within 30 days.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Chesapeake Employers' Insurance Company; Subsequent Injury Fund; Uninsured Employers' Fund; Workers' Compensation Commission; National Council on Compensation Insurance; National Institute of Neurological Disorders and Stroke; Department of Legislative Services

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