

HOUSE BILL 791

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By: **Delegates Sample–Hughes, Cardin, Gaines, Holmes, and Mosby**

Introduced and read first time: February 8, 2019

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation Commission – Annual Report – Return-to-Work**

3 FOR the purpose of requiring the Workers' Compensation Commission, in consultation
4 with the Department of Disabilities, to study certain return-to-work policies and
5 report its findings as part of a certain report; defining certain terms; and generally
6 relating to return-to-work policies.

7 BY repealing and reenacting, without amendments,
8 Article – Labor and Employment
9 Section 9–312
10 Annotated Code of Maryland
11 (2016 Replacement Volume and 2018 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
13 That the Laws of Maryland read as follows:

14 **Article – Labor and Employment**

15 9–312.

16 (a) As soon as practicable after the end of the fiscal year, the Chairman of the
17 Commission shall submit an annual report to the Governor and, in accordance with §
18 2–1246 of the State Government Article, the General Assembly.

19 (b) The annual report shall include:

20 (1) any suggestions to improve the administration of this title;

21 (2) a detailed statement of receipts and disbursements of the Commission;

22 and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (3) statistical analyses of:
- 2 (i) the costs of workers' compensation;
- 3 (ii) experiences; and
- 4 (iii) industrial injuries.

5 SECTION 2. AND BE IT FURTHER ENACTED, That:

6 (a) (1) In this section, "return-to-work" means resuming work, with or
7 without restrictions, when medically appropriate.

8 (2) "Return-to-work" includes:

- 9 (i) part-time work;
- 10 (ii) telecommuting work;
- 11 (iii) modified work, including a short-term assignment that:
- 12 1. complies with temporary medical restrictions as certified
13 by a licensed physician; and
- 14 2. involves temporary alternative functions that are less
15 physically demanding than the employee's normal job;
- 16 (iv) work under modified schedules; and
- 17 (v) work under reasonable accommodations necessary to carry out
18 essential functions of a job.

19 (b) As part of the Workers' Compensation Commission's fiscal year 2019 annual
20 report required under § 9-312 of the Labor and Employment Article, the Commission, in
21 consultation with the Department of Disabilities, shall research, analyze, and make
22 recommendations regarding the costs and benefits to employers, employees, and the State
23 of modifying existing policies or adopting new policies to promote return-to-work programs
24 for private sector employees experiencing work-related disabilities or illnesses and injuries
25 that occur off the job.

26 (c) The report required under subsection (b) of this section shall identify:

27 (1) possible principles of a private sector return-to-work program,
28 including viewing employment as the primary goal and preferred outcome for employees
29 injured or ill on and off the job;

30 (2) policy objectives, including:

1 (i) returning injured or ill workers to productive work as soon as
2 medically possible during their recovery process; and

3 (ii) providing interim transition work and accommodations, as
4 necessary; and

5 (3) areas of focus for the program, including:

6 (i) early intervention policies that include right time, right place,
7 and right treatment, and services and supports;

8 (ii) coordinated care and coordinated service delivery systems;

9 (iii) meaningful employee involvement in the decision-making
10 process related to the design of transitional employment; and

11 (iv) other return-to-work strategies.

12 (d) The report required under subsection (b) of this section shall include
13 recommendations regarding the costs and benefits of establishing centers of occupational
14 health and education that:

15 (1) recruit and train health care providers in the application of
16 occupational health best practices for individuals with work-related disabilities, including:

17 (i) submitting timely and complete forms to initiate claims and
18 reports of investigations;

19 (ii) developing an activity plan that communicates the ability of a
20 worker to participate in work activities, activity restrictions, and provider treatment plans;

21 (iii) communicating directly with employers when individuals with
22 work-related disabilities are off or expected to be off work or have work restrictions; and

23 (iv) assessing the barriers to returning to work faced by individuals
24 with work-related disabilities and partnering with Commission claim managers and others
25 on a plan to overcome them; and

26 (2) have cooperative agreements with the Department of Disabilities, State
27 and local workforce investment boards, and the Maryland Division of Rehabilitation
28 Services to coordinate:

29 (i) health care, employment, and vocational rehabilitation services;

30 (ii) communication and outreach; and

1 (iii) training for employers and health care providers on
2 return-to-work best practices.

3 (e) The report required under subsection (b) of this section shall include
4 recommendations regarding the costs and benefits of including within a return-to-work
5 program:

6 (1) retention services by the Maryland Division of Rehabilitation Services;

7 (2) private sector employer subsidies, incentives, and grant programs;

8 (3) employee incentive initiatives;

9 (4) wellness and injury prevention initiatives; and

10 (5) training and technical assistance efforts that identify best, promising,
11 and emerging return-to-work practices.

12 (f) The report required under subsection (b) of this section shall include
13 recommendations regarding the costs and benefits of adopting a Temporary Disability
14 Program that is designed to provide wage replacement for sickness or injury that is not
15 connected to work, and that provides benefits to individuals who are not able to work and
16 ineligible for unemployment insurance benefits.

17 (g) The report required under subsection (b) of this section shall include
18 recommendations regarding the feasibility of and need to authorize return-to-work
19 demonstration projects, including pilot projects to establish centers of occupational health
20 and education.

21 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect June
22 1, 2019.