

Chapter 256

(House Bill 795)

AN ACT concerning

**Workers' Compensation – Provision of Medical Services and Treatment –
Notification to Seek Treatment Permanent Partial Disability – Baltimore City
Deputy Sheriffs**

FOR the purpose of ~~requiring a covered employee, under certain circumstances, to provide the claimant's employer, the employer's insurer, or the Uninsured Employer's Fund certain notification at least a certain number of days before undergoing medical treatment; requiring that medical treatment sought by the covered employee be presumed to be unrelated to an accidental personal injury except under certain circumstances if the notification required under a certain provision of this Act is not provided; making a stylistic change; making a conforming change; and generally relating to the provision of medical services and treatment under the workers' compensation law~~ providing for enhanced workers' compensation benefits for a Baltimore City deputy sheriff for a compensable permanent partial disability of less than a certain number of weeks; providing for the application of this Act; and generally relating to workers' compensation benefits for Baltimore City deputy sheriffs.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section ~~9-660~~ 9-628(a)(9) and (10)
 Annotated Code of Maryland
 (2016 Replacement Volume and 2018 Supplement)

BY adding to
Article – Labor and Employment
Section 9-628(a)(11)
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9-628(h) and 9-629
Annotated Code of Maryland
(2016 Replacement Volume and 2018 Supplement)

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

Article – Labor and Employment

~~9-660.~~

~~(a) [In] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN addition to the compensation provided under this subtitle, if a covered employee has suffered an accidental personal injury, compensable hernia, or occupational disease the employer or [its] THE EMPLOYER'S insurer promptly shall provide to the covered employee, as the Commission may require:~~

- ~~(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.~~

~~(B) (1) IF A COVERED EMPLOYEE SEEKS MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY AND THE COVERED EMPLOYEE HAS NOT FILED A CLAIM OR NO ISSUES OF COMPENSABILITY ARE PENDING BEFORE THE COMMISSION, THE COVERED EMPLOYEE SHALL PROVIDE NOTIFICATION, INCLUDING COPIES OF ANY RELEVANT MEDICAL REPORTS, TO THE EMPLOYER, THE EMPLOYER'S INSURER, OR THE UNINSURED EMPLOYER'S FUND AT LEAST 30 BUSINESS DAYS BEFORE UNDERGOING MEDICAL TREATMENT.~~

~~(2) IF THE NOTIFICATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS NOT PROVIDED, THE MEDICAL TREATMENT SOUGHT BY THE COVERED EMPLOYEE SHALL BE PRESUMED TO BE UNRELATED TO THE ACCIDENTAL PERSONAL INJURY UNLESS THE COMMISSION DETERMINES THAT THE MEDICAL TREATMENT WAS EMERGENT.~~

~~[(b)] (C) The employer or its insurer shall provide the medical services and treatment required under subsection (a) of this section for the period required by the nature of the accidental personal injury, compensable hernia, or occupational disease.~~

~~[(e)] (D) Except as provided in § 9-736(b) and (e) of this title, any award or order of the Commission under this section may not be construed to:~~

- ~~(1) reopen any case; or~~
- ~~(2) allow any previous award to be changed.~~

~~[(d)] (E) (1) A provider who provides medical service or treatment to a covered employee under subsection (a) of this section shall submit to the employer or the~~

~~employer's insurer a bill for providing medical service or treatment within 12 months from the later of the date:~~

- ~~(i) medical service or treatment was provided to a covered employee;~~
- ~~(ii) the claim for compensation was accepted by the employer or the employer's insurer; or~~
- ~~(iii) the claim for compensation was determined by the Commission to be compensable.~~

~~(2) The employer or the employer's insurer may not be required to pay a bill submitted after the time period required under paragraph (1) of this subsection unless:~~

- ~~(i) the provider files an application for payment with the Commission within 3 years from the later of the date:~~
 - ~~1. medical service or treatment was provided to the covered employee;~~
 - ~~2. the claim for compensation was accepted by the employer or the employer's insurer; or~~
 - ~~3. the claim for compensation was determined by the Commission to be compensable; and~~
- ~~(ii) the Commission excuses the untimely submission for good cause.~~

9-628.

(a) In this section, "public safety employee" means:

(9) a Baltimore County deputy sheriff, but only when the deputy sheriff sustains an accidental personal injury that arises out of and in the course and scope of performing duties directly related to:

- (i) courthouse security;
- (ii) prisoner transportation;
- (iii) service of warrants;
- (iv) personnel management; or
- (v) other administrative duties; [or]

(10) a State correctional officer; OR

(11) A BALTIMORE CITY DEPUTY SHERIFF.

(h) If a public safety employee is awarded compensation for less than 75 weeks, the employer or its insurer shall pay the public safety employee compensation at the rate set for an award of compensation for a period greater than or equal to 75 weeks but less than 250 weeks under § 9–629 of this subtitle.

9–629.

If a covered employee is awarded compensation for a period equal to or greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the covered employee weekly compensation that equals two-thirds of the average weekly wage of the covered employee but does not exceed one-third of the State average weekly wage.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claims arising from events occurring before the effective date of this Act.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, April 30, 2019.