

HOUSE BILL 346

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By: **Delegate Pruski**

Introduced and read first time: January 19, 2026

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Vocational Rehabilitation Services – Retroactive**
3 **Compensation**

4 FOR the purpose of requiring an employer or its insurer to retroactively pay certain
5 compensation to a covered employee if the covered employee did not receive
6 compensation during the period between the date maximum medical improvement
7 was attained and the date vocational rehabilitation services began; and generally
8 relating to the compensation of a covered employee under workers' compensation
9 law.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 9–670 and 9–674
13 Annotated Code of Maryland
14 (2025 Replacement Volume)

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

17 **Article – Labor and Employment**

18 9–670.

19 (a) In this Part XI of this subtitle the following words have the meanings
20 indicated.

21 (b) “Disabled” means rendered unable as the result of an accidental personal
22 injury or an occupational disease to perform work for which the person was previously
23 qualified.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(C) “MAXIMUM MEDICAL IMPROVEMENT” MEANS THE POINT IN THE**
2 **MEDICAL RECOVERY OF A COVERED EMPLOYEE WHEN THE COVERED EMPLOYEE**
3 **HAS ATTAINED STABILITY FROM AN ACCIDENTAL PERSONAL INJURY OR AN**
4 **OCCUPATIONAL DISEASE, AND FURTHER HEALING OR RECOVERY IS NOT**
5 **ANTICIPATED TO OCCUR WITH CONTINUED TREATMENT, THOUGH THE COVERED**
6 **EMPLOYEE MAY REQUIRE ONGOING MEDICAL CARE.**

7 **[(c)] (D) “Suitable gainful employment” means employment, including**
8 **self-employment, that restores the disabled covered employee, to the extent possible, to the**
9 **level of support at the time of:**

- 10 (1) if an accidental personal injury, the accidental personal injury; or
- 11 (2) if an occupational disease, disablement from the occupational disease.

12 **[(d)] (E) “Vocational assessment” means:**

- 13 (1) collecting and analyzing each of the economic, educational, legal,
14 **medical, social, and vocational circumstances of a disabled covered employee, including the**
15 **present mental and physical ability of the covered employee to participate in vocational**
16 **rehabilitation services; and**
- 17 (2) determining the appropriate vocational rehabilitation services
18 **reasonably necessary to return the disabled covered employee to suitable gainful**
19 **employment.**

20 **[(e)] (F) (1) “Vocational rehabilitation services” means professional services**
21 **reasonably necessary during or after or both during and after medical treatment to enable**
22 **a disabled covered employee, as soon as practical, to secure suitable gainful employment.**

23 (2) “Vocational rehabilitation services” includes:

- 24 (i) coordination of medical services;
- 25 (ii) vocational assessment;
- 26 (iii) vocational evaluation;
- 27 (iv) vocational counseling;
- 28 (v) vocational rehabilitation plan development;
- 29 (vi) vocational rehabilitation plan monitoring;
- 30 (vii) vocational rehabilitation training;

1 (viii) job development; and

2 (ix) job placement.

3 9-674.

4 (a) The employer or its insurer shall pay the expenses of the vocational
5 assessment and vocational rehabilitation services of a covered employee.

6 (b) (1) While a covered employee is receiving vocational rehabilitation
7 services, the employer or its insurer shall pay compensation to the covered employee as if
8 the covered employee was temporarily totally disabled.

9 (2) If a covered employee refuses to accept vocational rehabilitation
10 services in accordance with an order of the Commission and the Commission determines
11 the refusal to be unreasonable, payments under paragraph (1) of this subsection are
12 forfeited for the period of refusal.

13 **(3) (I) SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, AN**
14 **EMPLOYER OR ITS INSURER SHALL RETROACTIVELY PAY COMPENSATION TO A**
15 **COVERED EMPLOYEE AS IF THE COVERED EMPLOYEE WAS TEMPORARILY TOTALLY**
16 **DISABLED IF THE COVERED EMPLOYEE:**

17 **1. REACHED MAXIMUM MEDICAL IMPROVEMENT;**

18 **2. IS RECEIVING VOCATIONAL REHABILITATION**
19 **SERVICES; AND**

20 **3. DID NOT RECEIVE COMPENSATION AS IF THE**
21 **COVERED EMPLOYEE WAS TEMPORARILY DISABLED FOR THE PERIOD BETWEEN THE**
22 **DATE MAXIMUM MEDICAL IMPROVEMENT WAS ATTAINED AND THE DATE THE**
23 **COVERED EMPLOYEE BEGAN RECEIVING VOCATIONAL REHABILITATION SERVICES.**

24 **(II) THE COMPENSATION REQUIRED UNDER SUBPARAGRAPH (I)**
25 **OF THIS PARAGRAPH IS IN ADDITION TO THE COMPENSATION REQUIRED UNDER**
26 **PARAGRAPH (1) OF THIS SUBSECTION.**

27 **(III) AN EMPLOYER OR ITS INSURER MAY NOT BE REQUIRED TO**
28 **PAY COMPENSATION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A PERIOD**
29 **OF MORE THAN 60 DAYS.**

30 (c) (1) If a covered employee is required to live away from home in the course
31 of receiving vocational rehabilitation services, the employer or its insurer shall pay to the
32 covered employee money that:

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1 (i) is sufficient to maintain the covered employee while the covered
2 employee receives vocational rehabilitation services; but

3 (ii) does not exceed \$40 a week.

4 (2) The employer or insurer shall make payments for maintenance under
5 paragraph (1) of this subsection in addition to the payment of compensation under
6 subsection (b) of this section.

7 (d) (1) Except as provided in paragraph (2) of this subsection, a covered
8 employee who resides at home during vocational rehabilitation training is not entitled to
9 reimbursement of transportation costs to and from the place of vocational training.

10 (2) In unusual cases the Commission may allow reasonable transportation
11 costs.

12 (e) For the purposes of this section, vocational rehabilitation training may not
13 last for more than 24 months.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
15 apply only prospectively and may not be applied or interpreted to have any effect on or
16 application to any claim filed before the effective date of this Act.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2026.