



# 2023 POSITION PAPER

MARYLAND ASSOCIATION FOR JUSTICE

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## HBI012

### Workers' Compensation – Fees for Legal Services

#### FAVORABLE

Maryland workers' compensation claimants are routinely and wrongfully denied necessary medical care by insurance companies. This bill remedies that problem.

#### MAJ Supports This Bill for Multiple Reasons

Unfortunately, workers' compensation insurance carriers often arbitrarily deny medical benefits to injured workers. Under current law, attorneys who represent workers' compensation claimants can only be paid if the client is awarded compensation (money). When the only issue for a hearing is approval of medical treatment or payment of medical bills, attorneys representing the injured worker cannot be paid and their expenses cannot be reimbursed. On the opposing side, insurance company lawyers are paid and reimbursed in full. This imbalance leads to denial of medical care, often causing the injured worker to go without care or to have their health insurance improperly pay for their care. This includes both private health insurance and public payers such as Medicare and Medicaid.

This bill will:

- Help ensure victims of workplace injuries receive the medical care the General Assembly intends they receive;
- Help to ensure that the proper responsible entity is required to pay for the injured worker's medical care;
- Ensure the medical bills for a case are paid by the workers' compensation insurer who collected a premium in exchange for a promise to pay them;
- Limit the amount of attorney fee, if any, to the discretion of a Commissioner, not to exceed \$2,000.00 only if the attorney is successful in obtaining the wrongfully denied care.

#### MAJ Urges a Favorable Report

Maryland Association of Justice (MAJ) is dedicated to improving and protecting the civil justice system through legislative advocacy and the professional development of trial lawyers. Learn more at [mdforjustice.com](http://mdforjustice.com)