



Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to House Bill 1210

House Bill 1210 proposes to authorize a licensed certified social worker–clinical to provide evaluation services for workers' compensation claims related to permanent impairments involving a behavioral or mental disorder under Labor and Employment, § 9-721.

Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund have significant concerns regarding the proposal for licensed certified social workers–clinical to provide evaluation services currently performed exclusively by physicians, psychologists, and psychiatrists.

Under Labor and Employment § 9-721, only physicians or psychologists are authorized to provide permanent impairment ratings for workers' compensation evaluations. Additionally, COMAR 14.09.09.03 extends psychiatric impairment evaluations to psychiatrists. Given the long-standing practice of having only physicians, psychologists, or psychiatrists perform these ratings, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund are averse to allowing non-physicians, psychologists, or psychiatrists to conduct these evaluations. These evaluations must adhere to the standards set forth by the American Medical Association's "Guide to the Evaluations of Permanent Impairment," which have traditionally been completed by the aforementioned professionals.

Of particular importance, allowing non-doctors to provide permanent impairment ratings establishes a precedent that could potentially compromise the quality and consistency of these critical evaluations. Additionally, should House Bill 1210 pass, although Labor and Employment § 9-721 may permit a licensed certified social worker–clinical to perform ratings, it is likely that these ratings would not be upheld at the appellate level for various reasons, including potential questions about the evaluator's qualifications and the consistency of the evaluations with established medical standards.

Due to this significant departure from established law and practice, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund respectfully oppose House Bill 1210.

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