



Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to House Bill 1325

House Bill 1325 proposes to authorize a licensed certified social worker–clinical, with certain specified requirements, 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 other disciplines 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 concern is the disconnect between administrative authorization and judicial admissibility. While the Workers' Compensation Commission operates under more of a relaxed evidentiary framework, Maryland Courts require expert medical opinions, particularly those stated to a reasonable degree of medical certainty, to be offered by witnesses qualified under Maryland Rule 5-702. Expanding Labor and Employment, § 9-721 to include licensed certified social workers–clinical does not alter the Rules of Evidence or appellate standards governing expert medical testimony, creating uncertainty and increased litigation risk on appeal.

Due to this significant departure from established law and practice, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund respectfully oppose House Bill 1325.

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