

SENATE BILL 349

K1

9lr2328
CF 9lr2124

By: **Senator Klausmeier**

Introduced and read first time: January 30, 2019

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Provision of Medical Services and Treatment –**
3 **Notification to Seek Treatment**

4 FOR the purpose of requiring a covered employee, under certain circumstances, to provide
5 the claimant's employer, the employer's insurer, or the Uninsured Employer's Fund
6 certain notification at least a certain number of days before undergoing medical
7 treatment; requiring that medical treatment sought by the covered employee be
8 presumed to be unrelated to an accidental personal injury except under certain
9 circumstances if the notification required under a certain provision of this Act is not
10 provided; making a stylistic change; making a conforming change; and generally
11 relating to the provision of medical services and treatment under the workers'
12 compensation law.

13 BY repealing and reenacting, with amendments,
14 Article – Labor and Employment
15 Section 9–660
16 Annotated Code of Maryland
17 (2016 Replacement Volume and 2018 Supplement)

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

20 **Article – Labor and Employment**

21 9–660.

22 (a) **[In] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, IN**
23 addition to the compensation provided under this subtitle, if a covered employee has
24 suffered an accidental personal injury, compensable hernia, or occupational disease the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 employer or [its] **THE EMPLOYER'S** insurer promptly shall provide to the covered
2 employee, as the Commission may require:

- 3 (1) medical, surgical, or other attendance or treatment;
- 4 (2) hospital and nursing services;
- 5 (3) medicine;
- 6 (4) crutches and other apparatus; and
- 7 (5) artificial arms, feet, hands, and legs and other prosthetic appliances.

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

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

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

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

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

27 **[(d)] (E)** (1) A provider who provides medical service or treatment to a
28 covered employee under subsection (a) of this section shall submit to the employer or the
29 employer's insurer a bill for providing medical service or treatment within 12 months from
30 the later of the date:

- 31 (i) medical service or treatment was provided to a covered employee;

1 (ii) the claim for compensation was accepted by the employer or the
2 employer's insurer; or

3 (iii) the claim for compensation was determined by the Commission
4 to be compensable.

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

7 (i) the provider files an application for payment with the
8 Commission within 3 years from the later of the date:

9 1. medical service or treatment was provided to the covered
10 employee;

11 2. the claim for compensation was accepted by the employer
12 or the employer's insurer; or

13 3. the claim for compensation was determined by the
14 Commission to be compensable; and

15 (ii) the Commission excuses the untimely submission for good cause.

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