K1 0lr3234

By: Senator Klausmeier

Introduced and read first time: February 3, 2020

Assigned to: Finance

A BILL ENTITLED

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ı	A N	A(7)	concerning
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Workers' Compensation - Hernia Claims

- FOR the purpose of altering the time period within which a covered employee must report to the employer a hernia caused by an accidental personal injury or by a strain arising out of and in the course of employment for the purpose of filing a claim for compensation; authorizing a covered employee to file a claim for compensation for a hernia caused by an accidental personal injury within a certain time period under certain circumstances; making conforming changes; providing for the application of this Act; and generally relating to workers' compensation and hernia claims.
- 10 BY repealing and reenacting, with amendments,
- 11 Article Labor and Employment
- 12 Section 9–504 and 9–709(a) and (b)
- 13 Annotated Code of Maryland
- 14 (2016 Replacement Volume and 2019 Supplement)
- 15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.
- 16 That the Laws of Maryland read as follows:

Article – Labor and Employment

18 9–504.

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- 19 **(A)** Except as otherwise provided, an employer shall provide compensation in accordance with this title to a covered employee for a hernia caused by an accidental personal injury or by a strain arising out of and in the course of employment if:
- 22 (1) the covered employee provides definite proof that satisfies the 23 Commission that:



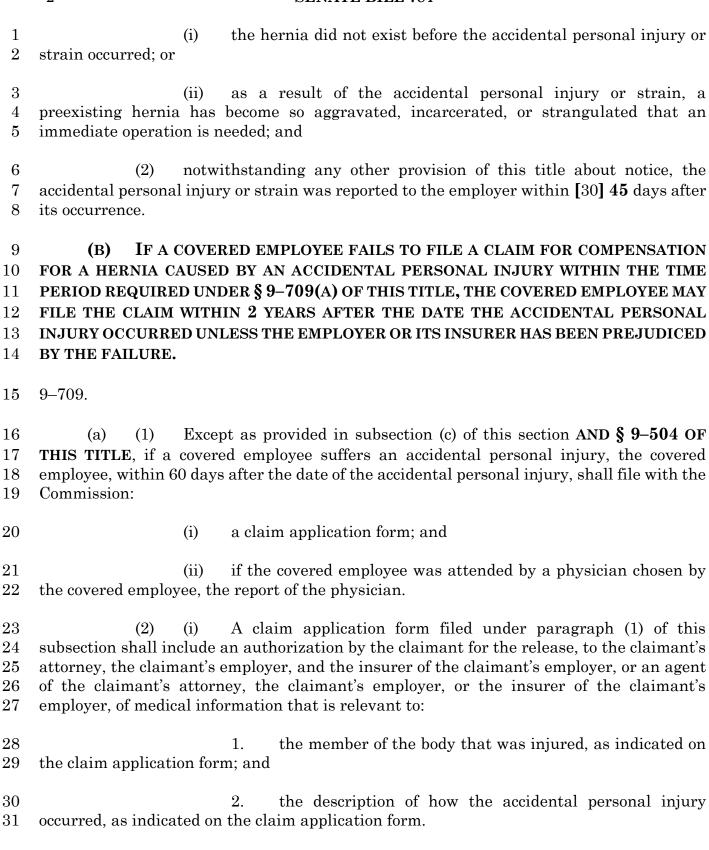
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(ii)

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An authorization under subparagraph (i) of this paragraph:

findings, office and patient charts, files, examination and progress notes, and physical

includes the release of information relating to the history,

1	evidence;
2	2. is effective for 1 year from the date the claim is filed; and
3 4 5	3. does not restrict the redisclosure of medical information or written material relating to the authorization to a medical manager, health care professional, or certified rehabilitation practitioner.
6 7 8	(b) (1) Unless excused by the Commission under paragraph (2) of this subsection AND EXCEPT AS PROVIDED IN § 9–504 OF THIS TITLE, failure to file a claim in accordance with subsection (a) of this section bars a claim under this title.
9 10	(2) The Commission may excuse a failure to file a claim in accordance with subsection (a) of this section if the Commission finds:
11 12	(i) that the employer or its insurer has not been prejudiced by the failure to file the claim; or
13	(ii) another sufficient reason.
14 15 16	(3) Notwithstanding paragraphs (1) and (2) of this subsection, if a covered employee fails to file a claim within 2 years after the date of the accidental personal injury the claim is completely barred.
17 18 19	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any claim arising from events occurring before the effective date of this Act.
20 21	SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.