

# MedChi

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*The Maryland State Medical Society*  
1211 Cathedral Street  
Baltimore, MD 21201-5516  
410.539.0872  
Fax: 410.547.0915  
1.800.492.1056  
www.medchi.org

TO: The Honorable Delores G. Kelley, Chair  
Members, Senate Finance Committee  
The Honorable Katherine Klausmeier

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer  
J. Steven Wise  
Richard A. Tabuteau  
410-244-7000

DATE: February 19, 2019

RE: **OPPOSE** – Senate Bill 349 – *Workers’ Compensation – Provision of Medical Services and Treatment – Notification to Seek Treatment*

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The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **opposes** Senate Bill 349, which places an unreasonable timeframe on an injured worker prior to the worker being able to seek medical treatment. Specifically, this bill requires an employee to notify his or her employer, its insurer or the Uninsured Employer’s Fund at least 30 business days before undergoing medical treatment. If the employee does not do so, then the treatment will be determined to be unrelated to the accidental personal injury unless the Workers’ Compensation Commission (WCC) determines that the medical treatment was emergent.

This bill only serves to drive up WCC costs, deny workers the ability to obtain medical treatment in a timely manner, and allow employers and insurers to deny employees with appropriate and lawful coverage. First, filing a workers’ compensation claim can be a difficult task for workers. Many do not realize the timeframes involved; others fear retribution from employers if they file a claim. Second, if a worker is injured and seeks treatment prior to the conclusion of the 30-day timeframe, the WCC will need to determine that the medical treatment received was emergent. Thus, an increased caseload for the WCC. Second, because the worker may be concerned that the WCC would not rule that it is emergent, he/she may delay necessary care until after the 30 days. This could lead to increased medical costs when delaying care exacerbates the condition and unnecessary emotional distress on the worker.

For physicians and workers, many would be left in a Catch-22. If WCC determines that the medical treatment was not emergent, then the employer and its insurer would not be liable. However, the bill fails to define “emergent.” Shouldn’t the injured worker be able to determine the necessity of seeking medical treatment rather than a 30-day arbitrary standard? In these situations, a private insurer would most likely not pay for the medical treatment either on the basis that it is work-related. Therefore, the physician and the patient are caught between two worlds of worker’s compensation and private insurance, neither willing to pay for the medical treatment simply because of an arbitrary notice provision.

For the reasons stated above, MedChi requests an unfavorable vote on Senate Bill 349.