

# Title 14 INDEPENDENT AGENCIES

## Subtitle 09 WORKERS' COMPENSATION COMMISSION

### Chapter 06 *Payment of Awards and Assessments and Termination of Benefits*

#### **[.09].01 Payment [of Claims] Prior to Filing of Claim.**

[A. Before a claim is filed with the Commission, an employer or insurer may not pay, in whole or in part, any compensation under Labor and Employment Article, Title 9, Annotated Code of Maryland, for the disability or death of a covered employee.]

A. *If a covered employee or dependent has not filed a claim with the Commission for the death or disability of the covered employee, an employer or insurer may not pay, in whole or in part, any compensation under Labor and Employment Article, Title 9, Annotated Code of Maryland.*

[B. An employer or insurer may pay or contest charges for medical and other services under Labor and Employment Article, Title 9, Subtitle 6, Part IX or Part XIII, even if the employee does not file a claim, but shall pay uncontested charges promptly after receipt.]

B. *If a covered employee or dependent has not filed a claim with the Commission for the death or disability of the covered employee, an employer or insurer may pay or contest charges for medical and other services under Labor and Employment Article, Title 9, Subtitle 6, Part IX or Part XIII.*

C. *An employer or insurer shall pay uncontested medical charges promptly after receipt.*

#### **[.22].02 Claims for Medical Expenses; Notice; Penalty.**

A. Notice. Within 5 days after receipt of an order of the Commission on a claim for payment for medical services, the claimant shall serve a copy of the order on the provider of the medical services for which payment was granted or denied.

B. Penalty for Late Payment for Treatment or Services.

(1) The Commission may assess against an employer or insurer a fine not to exceed 20 percent of any fee approved but not timely paid pursuant to Labor and Employment Article, §9-664, Annotated Code of Maryland.

(2) The Commission shall determine the amount of the fine on a case-by-case basis.

#### **[.21].03 Payment of Assessments.**

[A. In this regulation, "SIF" means the Subsequent Injury Fund and "UEF" means the Uninsured Employers' Fund.]

[B]A. Time for Payment. Assessments payable for the SIF and the UEF shall be paid within 30 days after the date of the award of compensation or approval of a settlement.

[C. Third-Party Settlements. In case of final compromise and settlement involving third-party liability under Labor and Employment Article, Title 9, Subtitle 9, Annotated Code of Maryland, the assessments for SIF and UEF shall be computed on the amount of compensation paid or to be paid by the employer or insurer for which the employer or insurer may not be reimbursed from the third-party settlement.

D. Structured Settlements. In case of a structured settlement of a claim, the assessments for SIF and UEF shall be computed on the premium payable by the employer or insurer for any annuity policy purchased on behalf of the employee. If the parties fail to disclose to the Commission the amount of premium payable by the employer or insurer, then the assessments shall be computed on the total amount of money guaranteed to be paid under the settlement agreement.]

B. *Assessments shall be paid in accordance with Labor and Employment Article, § 9-806, § 9-1007, and § 9-1008, Annotated Code of Maryland, as ordered by the Commission.*

ALL NEW

#### **.04 Termination of Temporary Total Disability and Medical Benefits**

A. *Termination of Monetary Benefits Requiring Notice*

(1) *Prior to terminating payment of temporary total disability benefits, an insurer shall give written notice to the claimant by:*

(a) *Completing the Insurer's Termination of Temporary Total Disability Benefits form; and*

(b) *Sending a copy of the form to the claimant, counsel and to the Commission.*

(2) *The Insurer's Termination of Temporary Total Disability Benefits form may be used to provide notice to the claimant of the termination of disability benefits when:*

(a) *The employee is working for another employer other than the employer where the accident or occupational disease occurred;*

(b) *No medical evidence supports continued payment;*

(c) *The employee failed to appear for a medical evaluation requested by the employer/insurer;*

(d) *A physician other than the employee's chosen treating physician has determined that the employee has reached maximum medical improvement; or*

(e) *Otherwise supported by law.*

B. *Termination of Monetary Benefits – No Notice Required*

(1) *An insurer may terminate payment of temporary total disability benefits without providing written notice, pursuant to Labor & Employment Article, § 9-733(a), Annotated Code of Maryland, if:*

(a) *The employee has returned to his or her current employment;*

*(b) A treating physician chosen by the employee has advised that the employee has reached maximum medical improvement; or*

*(c) The termination is made after the termination date contained in an order of the Commission.*

*C. Termination of Medical Benefits*

*(1) Prior to terminating the payment of medical benefits, an insurer shall give written notice to the claimant and the claimant's treating physician or health care provider of the date that benefits will be terminated.*

*(2) Written notice of the date that medical benefits will be terminated shall:*

*(a) Include the reasons for terminating the medical benefits;*

*(b) Include a statement that the claimant has the right to request a hearing before the Commission on the issue of termination; and*

*(c) Be supported by a medical record or report attached to the notice.*

*(3) A copy of the termination notice provided to the claimant shall be filed with the Commission.*