

# SENATE BILL 464

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By: **Senators Klausmeier, King, and Manno**

Introduced and read first time: February 6, 2015

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation Act – Frivolous Proceedings – Required Finding**

3 FOR the purpose of requiring, for the purpose of assessing certain costs under a certain  
4 provision of law, the Workers' Compensation Commission to find under certain  
5 circumstances that a person has brought a proceeding under the Workers'  
6 Compensation Act without any reasonable ground; and general relating to frivolous  
7 proceedings under the Workers' Compensation Act.

8 BY repealing and reenacting, with amendments,  
9 Article – Labor and Employment  
10 Section 9–734  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2014 Supplement)

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

15 **Article – Labor and Employment**

16 9–734.

17 (A) If the Commission finds that a person has brought a proceeding under this  
18 title without any reasonable ground, the Commission shall assess against the person the  
19 whole cost of the proceeding, including reasonable attorney's fees.

20 (B) **FOR THE PURPOSE OF DETERMINING WHETHER TO ASSESS THE WHOLE  
21 COST OF A PROCEEDING AGAINST A PERSON UNDER SUBSECTION (A) OF THIS  
22 SECTION, THE COMMISSION SHALL FIND THAT A PERSON HAS BROUGHT A  
23 PROCEEDING UNDER THIS TITLE WITHOUT ANY REASONABLE GROUND IF THE  
24 PERSON IS:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(1) AN INSURER OR A SELF-INSURER THAT:**

2                   **(I) TERMINATED PAYMENT OF TEMPORARY TOTAL BENEFITS IN**  
3 **A MANNER THAT VIOLATED § 9-733 OF THIS SUBTITLE;**

4                   **(II) TERMINATED PAYMENT FOR MEDICAL BENEFITS IN A**  
5 **MANNER THAT VIOLATED § 9-733 OF THIS SUBTITLE, INCLUDING FAILING TO**  
6 **ATTACH A COPY OF A MEDICAL RECORD OR REPORT TO A TERMINATION NOTICE AS**  
7 **REQUIRED UNDER § 9-733(C)(2) OF THIS SUBTITLE; OR**

8                   **(III) TERMINATED THE PAYMENT OF MEDICAL BENEFITS OR**  
9 **REFUSED TO AUTHORIZE A MEDICAL TREATMENT OR SERVICE WITHOUT OBTAINING**  
10 **AN ADMISSIBLE MEDICAL REPORT OR RECORD THAT RECOMMENDED THE**  
11 **TERMINATION OR REFUSAL; OR**

12           **(2) A PARTY THAT CAUSED THE SCHEDULING OF A HEARING BEFORE**  
13 **THE COMMISSION WITHOUT A REASONABLE LEGAL OR EVIDENTIARY BASIS FOR THE**  
14 **POSITION THE PARTY WILL ASSERT OR DID ASSERT IN THE HEARING.**

15           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
16 October 1, 2015.