

Department of Legislative Services
Maryland General Assembly
2022 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1164
Economic Matters

(Delegate McComas, *et al.*)

Labor and Employment - Workers' Compensation - Licensed Certified Social
Worker-Clinical

This bill authorizes a licensed certified social worker-clinical to register with the Workers' Compensation Commission (WCC) as a rehabilitation practitioner for purposes of providing rehabilitation services under workers' compensation law. To qualify for registration, a licensed certified social worker-clinical must be certified by the State Board of Social Work Examiners. The bill also specifies that, if a permanent impairment in a workers' compensation claim involves a behavioral or mental disorder, a licensed certified social worker-clinical may perform an evaluation of the mental or behavioral portion of the permanent impairment, as specified.

Fiscal Summary

State Effect: Special fund revenues for WCC increase, likely minimally, beginning in FY 2023 as WCC begins to register additional rehabilitation practitioners under the bill's requirements. WCC can review the additional applications and administer the additional registrations using existing budgeted resources.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Current Law: If an employee covered under workers' compensation insurance has suffered an accidental personal injury, compensable hernia, or occupational disease, the

employee is entitled to compensation benefits paid by the employer, its insurer, the Subsequent Injury Fund, or the Uninsured Employers' Fund, as appropriate. Workers' compensation benefits include wage replacement, medical treatment, death and funeral costs, and vocational rehabilitation expenses.

[Vocational rehabilitation](#) is a workers' compensation benefit that provides disabled covered employees who cannot return to their former job (due to a work-related injury) assistance in re-entering the workforce. A specialist in vocational rehabilitation provides services that may include testing, job placement, vocational counseling, on the job training, and retraining to the injured worker to enable them to return to work. Generally, in order to provide vocational rehabilitation services in conjunction with a workers' compensation case or claim, an individual must register with WCC. WCC must establish the application process and fee by regulation. [The registration fee](#) is currently \$150 (whether for initial issuance or renewal), and the registration is valid for three years from the date of issuance.

To qualify for registration as a rehabilitation practitioner, an individual must meet specified education, experience, and/or certification requirements. For example, to register as a nurse care manager, the individual must simply be certified as a nurse care manager by the State Board of Nursing. However, to register as a rehabilitation counselor, the individual may need a bachelor's, master's, or doctoral degree with relevant experience and/or be certified as a rehabilitation counselor, certified vocational evaluator, or certified disability management specialist, or hold an equivalent national certification.

State Revenues: As noted above, WCC charges a \$150 registration fee for individuals who register to provide vocational rehabilitation services through the State's workers' compensation system. Thus, special fund revenues for WCC increase, likely minimally, beginning in fiscal 2023. A precise estimate of the total increase in revenues depends on how many social workers register with WCC and when each registration takes place, which cannot be reliably estimated without actual experience under the bill.

Small Business Effect: Small businesses that employ social worker-clinical staff may experience increased business through the State's workers' compensation system.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Workers' Compensation Commission; Maryland Department of Health; Chesapeake Employers' Insurance Company; Department of Legislative Services

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