

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

House Bill 1285
Economic Matters

(Delegate McComas)

Finance

Workers' Compensation - Rehabilitation Practitioners - Licensed Social Workers

This bill authorizes an individual licensed as a social worker to register with the Workers' Compensation Commission (WCC) as a rehabilitation practitioner for purposes of providing rehabilitation services under workers' compensation law. The bill also (1) specifies that existing education and experience qualifications that apply for an individual to register as a vocational evaluator (which is a specific type of rehabilitation practitioner) do not apply to a licensed social worker or a licensed certified social worker-clinical; (2) authorizes a licensed certified social worker-clinical to perform an evaluation of the mental or behavioral portion of a permanent impairment, as specified, if permanent impairment in a workers' compensation claim involves a behavioral or mental disorder; and (3) requires WCC to grant a waiver of education and training requirements to any applicant who was licensed as a rehabilitation practitioner before the effective date of the bill.

Fiscal Summary

State Effect: Special fund revenues for WCC increase, likely minimally, beginning in FY 2024 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.

A violation of the rules and regulations adopted or enforced by WCC or the State Board of Nursing in accordance with the laws governing rehabilitation practitioners is grounds for denial of a registration to any applicant, or suspension or revocation of registrant's registration.

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 2025. A precise estimate of the total increase in revenues depends on how many licensed 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 individuals licensed as social workers may experience increased business through the State's workers' compensation system.

Additional Comments: It is unclear whether Section 2 of the bill, which requires WCC to grant a waiver of education and training requirements to any applicant who was licensed as a rehabilitation practitioner before the effective date of the bill, has any effect because WCC registers, and does not license, rehabilitation practitioners. Additionally, even if the bill were interpreted to apply for an individual *registered* as a rehabilitation practitioner on the effective date of the bill, since that individual would have already been registered, they would have already been required to meet the education and training requirements.

Additional Information

Recent Prior Introductions: Similar legislation has been introduced within the last three years. See HB 694 of 2023 and HB 1164 of 2022.

Designated Cross File: SB 931 (Senator Klausmeier) - Finance..

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

Fiscal Note History: First Reader - February 27, 2024
rh/ljm Third Reader - March 27, 2024
Revised - Amendment(s) - March 27, 2024

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