

SENATE BILL 839

K1

3lr1783
CF HB 902

By: **Senator Kramer**

Introduced and read first time: February 6, 2023

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment – Workers’ Compensation – Hernia**

3 FOR the purpose of specifying the time period within which a covered employee must report
4 to the employer a certain hernia diagnosis; and generally relating to workers’
5 compensation and hernia claims.

6 BY repealing and reenacting, with amendments,
7 Article – Labor and Employment
8 Section 9–504
9 Annotated Code of Maryland
10 (2016 Replacement Volume and 2022 Supplement)

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

13 **Article – Labor and Employment**

14 9–504.

15 (a) Except as otherwise provided, an employer shall provide compensation in
16 accordance with this title to a covered employee for a hernia caused by an accidental
17 personal injury or by a strain arising out of and in the course of employment if:

18 (1) the covered employee provides definite proof that satisfies the
19 Commission that:

20 (i) the hernia did not exist before the accidental personal injury or
21 strain occurred; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(ii) as a result of the accidental personal injury or strain, a preexisting hernia has become so aggravated, incarcerated, or strangulated that an immediate operation is needed; and

(2) notwithstanding any other provision of this title about notice[,]:

(I) the accidental personal injury or strain was reported to the employer within 45 days after its occurrence; OR

(II) IN THE CASE OF AN ATHLETIC PUBALGIA HERNIA, THE DIAGNOSIS WAS REPORTED TO THE EMPLOYER WITHIN 45 DAYS AFTER THE DIAGNOSIS.

(b) If a covered employee fails to file a claim for compensation for a hernia caused by an accidental personal injury within the time period required under § 9–709(a) of this title, the covered employee may file the claim within 2 years after the date the accidental personal injury occurred unless the employer or its insurer has been prejudiced by the failure.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.