

Defined terms: "Accidental injury" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

9-645. REFUSAL TO UNDERGO SURGERY.

(A) IN GENERAL.

IF A COVERED EMPLOYEE WHO SUFFERS FROM A COMPENSABLE HERNIA REFUSES TO UNDERGO SURGERY TO CURE THE HERNIA, THE EMPLOYER OR ITS INSURER SHALL PAY THE COVERED EMPLOYEE COMPENSATION FOR 7.5 WEEKS.

(B) REFUSAL EXCUSED.

(1) THE COMMISSION MAY EXCUSE A REFUSAL TO UNDERGO SURGERY IF THE COVERED EMPLOYEE SATISFIES THE COMMISSION THAT IT IS CONSIDERED UNSAFE FOR THE COVERED EMPLOYEE TO UNDERGO SURGERY BECAUSE OF THE AGE OR PREVIOUS PHYSICAL CONDITION OF THE COVERED EMPLOYEE.

(2) IF THE COMMISSION EXCUSES A REFUSAL TO UNDERGO SURGERY UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE EMPLOYER OR ITS INSURER SHALL PAY THE COVERED EMPLOYEE COMPENSATION FOR 52 WEEKS.

(C) PAYMENTS IN PLACE OF ALL OTHER BENEFITS.

PAYMENT OF COMPENSATION UNDER THIS SECTION IS IN PLACE OF ALL OTHER BENEFITS FOR OR ON ACCOUNT OF DISABILITY OR DEATH THAT RESULTED OR IS ALLEGED TO HAVE RESULTED FROM THE HERNIA.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(4)(c).

In subsections (a) and (b) of this section, the word "surgery" is substituted for the former word "operation" to conform to § 9-644 of this Part VI of this subtitle.

In subsections (a) and (b)(2) of this section, the reference to "the employer or its insurer" is added to clarify that the employer or its insurer is responsible for paying compensation under this title and to conform to other provisions of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that while this section provides the number of weeks for which compensation is to be paid, it does not provide the rate at which compensation is to be paid. The General Assembly may wish to consider clarifying the rate at which compensation is to be paid under this section.

Defined terms: "Commission" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101