

HOUSE BILL 612

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2000 Regular Session
0lr2595
CF 0lr2547

By: ~~Delegate Moe~~ **Delegates Moe, McHale, Brown, and Fulton**
Introduced and read first time: February 9, 2000
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 23, 2000

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Temporary Total Disability Benefits - Jurisdiction**
3 **of the Commission**

4 FOR the purpose of expanding the circumstances under which the Workers'
5 Compensation Commission retains jurisdiction pending an appeal to include a
6 request for temporary total disability benefits; ~~and~~ authorizing the Commission,
7 under certain circumstances, to pass a certain supplemental order that an
8 employer provide temporary total benefits pending an appeal; providing that
9 this Act may not be construed to prevent the Commission from ordering a
10 certain offset or credit; providing that the insurer or self-insurer is entitled to a
11 certain offset or credit under certain circumstances; and generally relating to
12 the jurisdiction of the Commission.

13 BY repealing and reenacting, with amendments,
14 Article - Labor and Employment
15 Section 9-742
16 Annotated Code of Maryland
17 (1999 Replacement Volume)

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

20 **Article - Labor and Employment**

21 9-742.

22 (a) The Commission retains jurisdiction pending an appeal to consider:

1 (1) a request for additional medical treatment and attention; AND

2 (2) A REQUEST FOR TEMPORARY TOTAL DISABILITY BENEFITS,
3 PROVIDED THAT THE COVERED EMPLOYEE'S TEMPORARY TOTAL DISABILITY
4 BENEFITS WERE GRANTED IN THE ORDER ON APPEAL, AND WERE TERMINATED BY
5 THE INSURER OR SELF-INSURER PENDING ADJUDICATION OR RESOLUTION OF THE
6 APPEAL.

7 (b) (1) If the Commission finds that a covered employee needs additional
8 medical attention pending an appeal, the Commission may pass a supplemental order
9 requiring the employer to provide additional medical treatment and attention.

10 (2) IF THE COMMISSION FINDS THAT A COVERED ~~EMPLOYEE NEEDS~~
11 EMPLOYEE'S TEMPORARY TOTAL DISABILITY BENEFITS WERE TERMINATED
12 PENDING AN ADJUDICATION OR RESOLUTION OF THE APPEAL, AND THAT THE
13 EMPLOYEE WAS TEMPORARILY TOTALLY DISABLED AT THE TIME OF TERMINATION,
14 THE COMMISSION MAY PASS A SUPPLEMENTAL ORDER REQUIRING THE EMPLOYER
15 TO PROVIDE THE EMPLOYEE WITH TEMPORARY TOTAL DISABILITY BENEFITS.

16 (3) IF THE COMMISSION'S DECISION TO REINSTATE TEMPORARY TOTAL
17 DISABILITY BENEFITS IS REVERSED OR MODIFIED ON APPEAL, THE INSURER OR
18 SELF-INSURER SHALL BE ENTITLED TO AN OFFSET OR CREDIT FOR OVERPAYMENT
19 OF THE TEMPORARY TOTAL DISABILITY BENEFITS GRANTED IN THE SUPPLEMENTAL
20 ORDER.

21 (c) A supplemental order passed by the Commission under this section is
22 subject to review on the pending appeal.

23 (d) When an appeal that is pending relates solely to a penalty imposed by the
24 Commission, the Commission retains jurisdiction over all matters in the case other
25 than imposition of the penalty.

26 (E) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT THE COMMISSION
27 FROM ORDERING AN OFFSET OR CREDIT AGAINST AN AWARD FOR TEMPORARY
28 TOTAL OR PERMANENT PARTIAL DISABILITY BENEFITS FOR ANY TEMPORARY TOTAL
29 DISABILITY BENEFITS PREVIOUSLY PAID TO A COVERED EMPLOYEE, AS AUTHORIZED
30 UNDER ANY OTHER PROVISION OF THIS TITLE.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2000.

