

SENATE BILL 609

K1
SB 642/09 – FIN

0lr2775

By: **Senator Kittleman**

Introduced and read first time: February 5, 2010

Assigned to: Finance

Committee Report: Favorable

Senate action: Adopted

Read second time: March 9, 2010

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Temporary Total Disability Benefits – Credit**

3 FOR the purpose of providing a credit for an employer or insurer for certain payments
4 to a covered employee for temporary total disability benefits under certain
5 circumstances and during a certain period; providing for the application of this
6 Act; and generally relating to payment of temporary total benefits.

7 BY repealing and reenacting, without amendments,
8 Article – Labor and Employment
9 Section 9–618
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Labor and Employment
14 Section 9–621
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2009 Supplement)

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

19 **Article – Labor and Employment**

20 9–618.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 A covered employee who is temporarily totally disabled due to an accidental
2 personal injury or an occupational disease shall be paid compensation in accordance
3 with this Part III of this subtitle.

4 9-621.

5 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
6 employee is temporarily totally disabled due to an accidental personal injury or an
7 occupational disease, the employer or its insurer shall pay the covered employee
8 compensation that equals two-thirds of the average weekly wage of the covered
9 employee, but:

10 (i) does not exceed the average weekly wage of the State; and

11 (ii) is not less than \$50.

12 (2) If the average weekly wage of the covered employee is less than
13 \$50 at the time of the accidental personal injury or the last injurious exposure to the
14 hazards of the occupational disease, the employer or its insurer shall pay the covered
15 employee compensation that equals the average weekly wage of the covered employee.

16 (b) (1) The employer or its insurer shall pay the compensation for the
17 period that the covered employee is temporarily totally disabled.

18 (2) **THE EMPLOYER OR ITS INSURER MAY BE ENTITLED TO A
19 CREDIT FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS
20 TEMPORARILY TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY
21 OR AN OCCUPATIONAL DISEASE IF:**

22 (I) **MEDICAL TREATMENT OF THE EMPLOYEE FOR AN
23 ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS DELAYED OR
24 SUSPENDED; AND**

25 (II) **THE DELAY OR SUSPENSION OF TREATMENT IS CAUSED
26 SOLELY BY A MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED
27 TO THE ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

28 (3) **THE CREDIT PROVIDED UNDER PARAGRAPH (2) OF THIS
29 SUBSECTION MAY BE ALLOWED ONLY FOR COMPENSATION PAID DURING THE
30 PERIOD THAT MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY OR
31 AN OCCUPATIONAL DISEASE WAS DELAYED OR SUSPENDED SOLELY BECAUSE OF
32 A MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED TO THE
33 ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed to apply only prospectively and may not be applied or interpreted to have
3 any effect on or application to any claims for workers' compensation benefits filed
4 before the effective date of this Act.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.