

SENATE BILL 413

K1

11r2411
CF 11r1725

By: **Senator Garagiola**

Introduced and read first time: February 4, 2011

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of prohibiting an employer or its insurer from terminating the
4 payment of temporary total disability benefits before the end of a certain period
5 unless the Workers' Compensation Commission has ordered a certain
6 termination date under a certain provision of law; requiring the Commission to
7 order an offset or credit of certain overpayments of compensation under certain
8 circumstances; and generally relating to the payment of temporary total
9 disability benefits.

10 BY repealing and reenacting, with amendments,
11 Article – Labor and Employment
12 Section 9–621
13 Annotated Code of Maryland
14 (2008 Replacement Volume and 2010 Supplement)

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

17 **Article – Labor and Employment**

18 9–621.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (2) If the average weekly wage of the covered employee is less than
3 \$50 at the time of the accidental personal injury or the last injurious exposure to the
4 hazards of the occupational disease, the employer or its insurer shall pay the covered
5 employee compensation that equals the average weekly wage of the covered employee.

6 (b) (1) **[The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
7 employer or its insurer shall pay the compensation for the period that the covered
8 employee is temporarily totally disabled.

9 (2) **UNLESS THE COMMISSION HAS ORDERED A TERMINATION**
10 **DATE FOR THE PAYMENT OF COMPENSATION UNDER THIS SECTION, THE**
11 **EMPLOYER OR ITS INSURER MAY NOT TERMINATE THE PAYMENT OF**
12 **COMPENSATION BEFORE THE END OF THE PERIOD DURING WHICH THE**
13 **COVERED EMPLOYEE IS TEMPORARILY TOTALLY DISABLED, AS DETERMINED BY**
14 **THE COVERED EMPLOYEE'S TREATING PHYSICIAN AND NOTED BY THE**
15 **PHYSICIAN IN A WRITTEN MEDICAL REPORT.**

16 (c) **IF THE COMMISSION ORDERS A TERMINATION DATE FOR THE**
17 **PAYMENT OF COMPENSATION UNDER THIS SECTION THAT IS EARLIER THAN THE**
18 **ACTUAL DATE THAT THE PAYMENT OF COMPENSATION WAS TERMINATED BY**
19 **THE EMPLOYER OR INSURER, THE COMMISSION SHALL ORDER AN OFFSET OR**
20 **CREDIT OF ANY OVERPAYMENT OF COMPENSATION AS PROVIDED IN § 9-610.1**
21 **OF THIS SUBTITLE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2011.