

Chapter 38

(Senate Bill 130)

AN ACT concerning

Commissioner of Labor and Industry and Workers' Compensation Commission – Reports of Accidental Injury or Disability – Electronic Sharing

FOR the purpose of repealing a certain requirement that an employer send copies of certain reports of an accident or injury to the Commissioner of Labor and Industry; repealing a certain requirement that the Workers' Compensation Commission report to the Commissioner of Labor and Industry a certain determination regarding industrial injuries associated with an employer or industry; requiring the Workers' Compensation Commission to provide the Commissioner of Labor and Industry with electronic access to certain employer reports of accidental injury or disability due to occupational disease; and generally relating to occupational safety and health, the Commissioner of Labor and Industry, and the Workers' Compensation Commission.

BY repealing and reenacting, with amendments,
 Article – Labor and Employment
 Section 5–702, 9–312, and 9–707
 Annotated Code of Maryland
 (2008 Replacement Volume and 2013 Supplement)

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

Article – Labor and Employment

5–702.

- (a) The Commissioner may require, by regulation, that an employer keep:
- (1) an accurate record of:
 - (i) each work–related death;
 - (ii) each work–related illness; and
 - (iii) each work–related injury other than a minor injury that requires only first aid treatment and does not involve loss of consciousness, medical treatment, restriction of motion or work, or transfer to another job; and

(2) each other record about an activity of the employer under this title that the Commissioner considers appropriate or necessary to develop information about the causes and prevention of occupational accidents, illnesses, and injuries.

(b) Each employer shall make available to the Commissioner each record that the employer is required to keep under subsection (a)(2) of this section.

(c) **[(1)]** An employer shall report orally to the Commissioner an employment accident within 8 hours after it occurs if the accident results in:

[(i)] (1) the death of an employee; or

[(ii)] (2) hospitalization of at least three employees.

[(2)] Each employer shall send to the Commissioner a copy of each report of an accident or injury that the employer:

(i) is required, under Title 9 of this article, to send to the Workers' Compensation Commission; or

(ii) submits to the Injured Workers' Insurance Fund.]

9-312.

(a) **[(1)]** As soon as practicable after the end of the fiscal year, the Chairman of the Commission shall submit an annual report to the Governor.

[(2)] (B) The annual report shall include:

[(i)] (1) any suggestions to improve the administration of this title;

[(ii)] (2) a detailed statement of receipts and disbursements of the Commission; and

[(iii)] (3) statistical analyses of:

[1.] (I) the costs of workers' compensation;

[2.] (II) experiences; and

[3.] (III) industrial injuries.

[(b)] Whenever the Commission determines there is probable cause to believe that, during the immediately preceding 1-year period, there has been an excessive

number or a high rate of industrial injuries associated with an employer or industry, the Commission shall report the determination to the Commissioner of Labor and Industry.]

9-707.

(a) If an accidental personal injury causes disability for more than 3 days or death, the employer shall report the accidental personal injury and the disability or death to the Commission within 10 days after receiving oral or written notice of the disability or death.

(b) On learning or receiving notice that a covered employee has been disabled due to an occupational disease, the employer promptly shall report the disability to the Commission.

(c) Each report under subsection (a) or (b) of this section shall state:

(1) whether the accidental personal injury or occupational disease arose out of and in the course of employment;

(2) the time, cause, and nature of the disability and the accidental personal injury or occupational disease;

(3) the probable duration of the disability; and

(4) any other information that the Commission may require by regulation.

(D) THE COMMISSION SHALL PROVIDE THE COMMISSIONER OF LABOR AND INDUSTRY WITH ELECTRONIC ACCESS TO THE DATA CONTAINED IN THE REPORTS FILED UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2014.

Approved by the Governor, April 8, 2014.