

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	02/26/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 4/3/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

14 09 04 03

3. Name of Promulgating Authority

Workers Compensation Commission

4. Name of Regulations Coordinator

Amy Lackington

Telephone Number

410-864-5300

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10 E. Baltimore Street

City State Zip Code

Baltimore MD 21202

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alackington@wcc.state.md.us

5. Name of Person to Call About this Document

Amy Lackington

Telephone No.

410-864-5300

Email Address

alackington@wcc.state.md.us

6. Check applicable items:

- New Regulations
- Amendments to Existing Regulations
 - Date when existing text was downloaded from COMAR online: 2/20/15.
- Repeal of Existing Regulations
- Recodification
- Incorporation by Reference of Documents Requiring DSD Approval
- Reproposal of Substantively Different Text:

: Md. R
 (vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

- Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

- OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.
- OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by H. Scott Curtis, Assistant Attorney General, (telephone #410-864-5313) on 2/23/2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

R. Karl Aumann

Title

Chairman

Telephone No.

410-864-5300

Date

2/23/15

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.04 Legal Representation and Fees

Authority: Labor and Employment, Article, §§ 9-309 and 9-731, Annotated Code of Maryland.

Notice of Proposed Action

□

The Workers' Compensation Commission proposes to amend existing Regulation .03 under COMAR 14.09.04.

This action was considered at a public meeting on regulations held on February 12, 2015, notice of which was given by publication in 42:1 Md.R. 132 (January 9, 2015) pursuant to General Provisions Article, § 3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to amend COMAR 14.09.04.03 concerning Schedule of Attorney's Fees to address an ambiguity in the Schedule regarding fees for the representation of the dependents of deceased workers.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300, or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through May 4, 2015. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on May 28, 2015, at 10 E. Baltimore Street, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

No

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

No additional funds are necessary.

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The Regulation has no economic impact under Part A.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The Regulation has no economic impact on small businesses.

G. Small Business Worksheet:

N/A

Attached Document:

14.09.04.03 (Downloaded 2/20/15)

.03 Schedule of Attorney's Fees.

A. (text unchanged)

B. Schedule of Fees.

(1)—(5) (text unchanged)

(6) Dependency Claims.

(a) In a case involving a claim of dependency[, if] *where* compensability is not contested, but the extent of dependency, partial or total, or the identity of a dependent, or both is contested, the Commission may approve a total attorney's fee for attorneys representing all dependents:

(i) in an amount not exceeding five times the State average weekly wage in a case of partial dependency *under Labor and Employment Article, §9-682, Annotated Code of Maryland; or*

(ii) in an amount [and] not exceeding 12 times the State average weekly wage in a case of total dependency *under Labor and Employment Article, §9-681 or §9-683.3, Annotated Code of Maryland*

(b) In a case involving a claim of dependency[, if] *where* neither compensability nor dependency is contested and a record is being made solely to determine to whom payments of compensation shall be made, the Commission may approve an attorney's fee in an amount not exceeding two times the State average weekly wage.

(c) In a case involving a claim of dependency[, if] *where* compensability and dependency are contested, the Commission may approve an attorney's fee:

(i) in an amount calculated under §B(3)(a) of this regulation[,] in a case *involving a claim* of partial dependency *under Labor and Employment Article, §9-682 or §9-683.3, Annotated Code of Maryland; or*

(ii) in an amount [and] calculated under §B(4)(a) of this regulation[,] in a case of total dependency *under Labor and Employment Article, §9-681, Annotated Code of Maryland.*

(7)—(9) (text unchanged)

C. Attorney's Fee Not Allowed.

(1)—(2) (text unchanged)