

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	03/16/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 5/1/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

14 09 11 01, .02, .03, .04, .05

3. Name of Promulgating Authority

Workers Compensation Commission

4. Name of Regulations Coordinator

Amy Lackington

Telephone Number

410-864-5300

Mailing Address

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: March 11, 2015.

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 March 16, 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

March 16, 2015

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.11 Judicial Review Procedures

Authority: Labor and Employment Article, §§ 9-309, 9-701, 9-731(c) and (d), 9-737, 9-739, and 9-742, Annotated Code of Maryland.

Notice of Proposed Action

[]

The Workers' Compensation Commission proposes to amend existing Regulations .01 - .05 under COMAR 14.09.11 (Judicial Review Procedures)

This action was considered at a public meeting held on March 12, 2015, notice of which was given by publication in 42:4 Md.R. 407-452 (February 20, 2015) pursuant to General Provisions Article, § 3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to comply with new Md. Rule 7-206 and 7-206.1, and to update the language to accord with Labor and Employment Article, § 9-742, Annotated Code of Maryland.

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 June 1, 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 June 25, 2014, at 10 E. Baltimore Street, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

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 regulations have 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 regulations have minimal or no economic impact on small businesses under Part B.

G. Small Business Worksheet:

N/A

Attached Document:

14.09.11 Judicial Review Procedures (downloaded 3/11/2015)

.01 Petition for Judicial Review.

A. A party seeking judicial review of a decision of the Commission [may] *shall* file a petition for judicial review in the circuit court within 30 days after the date the Commission's order was mailed in accordance with Labor and Employment Article, §9-737, Annotated Code of Maryland, and the Maryland Rules, 7-201, et seq.

B.—C. (text unchanged)

.02 Transcript of Proceedings.

A. —D. (text unchanged)

.03 Circuit Court Proceedings.

A. (text unchanged)

B. A Cover Sheet for Action on Claims on Appeal shall be used to notify the Commission of the circuit court disposition and shall be accompanied by[:

- (1) A] a true test copy of circuit court order or verdict[; and
- (2) A copy of docket entries].

C. (text unchanged)

D. If a party appeals the circuit court disposition, the party shall notify the Commission using a Cover Sheet for Action on claims on Appeal accompanied by a copy of the notice of appeal.

.04 Appellate Proceedings.

A.—C. (text unchanged)

D. If a party appeals the circuit court disposition, the party shall notify the Commission using a Cover Sheet for Action on claims on Appeal accompanied by a copy of the notice of appeal or petition for writ of certiorari.

.05 [Record of Subsequent Proceeding Where Case on Appeal.] Supplemental Order Subject to Review on the Pending Appeal.

A. If [review of a decision of the Commission has been sought in the circuit or appellate courts, and] the Commission exercises its continuing jurisdiction under Labor and Employment Article, §9-742, Annotated Code of Maryland, to [decide] *pass a supplemental order deciding* an issue, the first petitioner/appellant shall file [with the Commission a written letter] within 5 days of [disposition requesting that the Commission] *entry of the supplemental order*:

(1) [Prepare a] *A copy of the [record of the proceeding in which the Commission exercised its continuing jurisdiction] supplemental order with the circuit or appellate court in which judicial review/appeal is pending; and*

(2) [Transmit that record to the circuit or appellate court in which judicial review/appeal is pending within 60 days of the date of the Commission's order.] *A written certification with the Commission that the first petitioner/appellant has filed the copy of the supplemental order with the circuit or appellate court.*

B. The written [letter] *certification* shall contain:

(1) (text unchanged)

(2) The claimant's name; [and]

(3) The caption of the case on appeal including the parties, the name of the court, and case number[.];

(4) *A description of the supplemental order filed; and*

(5) *The date and manner of the filing.*

C. (text unchanged)

D. The petitioner/appellant shall file the written request [as soon as possible] *for any transcript required for inclusion in the record when the written certification is filed with the Commission.*