

MARYLAND REGISTER

**Emergency Action on Regulations**

<b>TO BE COMPLETED BY AELR COMMITTEE</b>	<b>EMERGENCY Transmittal Sheet</b>	<b>TO BE COMPLETED BY DSD</b>
Date Received by AELR Committee		Date Filed with Division of State Documents
03/12/2020		Document Number
Emergency Status Approved		Date of Publication in MD Register
_ -Yes _ -No		
Emergency Status Begins On		
On		
Emergency Status Ends On		
Name of AELR Committee Counsel		

**1. COMAR Codification**

**Title Subtitle Chapter Regulation**  
 14 09 17 01, .02, .03

**2. Name of Promulgating Authority**

Workers Compensation Commission

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Chairman

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**Date**

March 12, 2020

## **Title 14 INDEPENDENT AGENCIES**

### **Subtitle 09 WORKERS' COMPENSATION COMMISSION**

#### **14.09.17 Emergency Powers of Chairman of the Commission**

Authority: Labor & Employment Article, §§ 9-105(f), 9-206(d), 9-302(f)(7), 9-309(a), 9-311(c), 9-314(b), 9-316(g)(2), 9-402.1(j), 9-404(a), 9-663(a)(1) and (2), 9-6A-04, 9-6A-07, 9-6A-11, 9-6A-16, 9-701, 9-720(a), and 9-721(a); Annotated Code of Maryland

#### **Notice of Emergency Action**

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The Joint Committee on Administrative, Executive, and Legislative Review has granted emergency status to new Regulations .01, .02, and .3 under a new chapter, COMAR 14.09.17 Emergency Powers of Chairman of the Commission.

**Emergency status began:**

**Emergency status expires:**

#### **Comparison to Federal Standards**

There is no corresponding federal standard to this emergency action.

#### **Estimate of Economic Impact**

The emergency action has no economic impact.

#### **Economic Impact on Small Businesses**

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

#### **Economic Impact Statement Part C**

A. Fiscal Year in which regulations will become effective: FY 2020

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 for implementation of these regulations.

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

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

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

G. Response to small business worksheet:

N/A

## Attached Document:

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### **CHAPTER 17 Emergency Powers of Chairman of the Commission.**

**Authority:** Labor & Employment Article, §§ 9-105(f), 9-206(d), 9-302(f)(7), 9-309(a), 9-311(c), 9-314(b), 9-316(g)(2), 9-402.1(j), 9-404(a), 9-663(a)(1) and (2), 9-6A-04, 9-6A-07, 9-6A-11, 9-6A-16, 9-701, 9-720(a), and 9-721(a); Annotated Code of Maryland.

#### **.01 Scope.**

##### **A. Generally.**

The regulations in this Chapter apply to situations in which the Governor has declared an emergency pursuant to Code, Public Safety Article, Title 14 and the emergency or directives issued by the Governor pursuant to the emergency significantly affect access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively.

##### **B. Other Events Affecting the Commission.**

The authority granted specifically by these regulations generally also may be exercised, to the extent necessary, by the Chairman of the Commission in the event of a natural or other event that significantly disrupts access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, but for which the Governor has not declared an emergency pursuant to Code, Public Safety Article, Title 14.

##### **C. Supplemental; Conflict.**

The regulations in this chapter are in addition to and supplemental to the authority of the Commission granted in other chapters of Title 9 of these regulations; but, to the extent of any conflict with other regulations in Title 9 of these regulations, any authority provided in this chapter shall prevail.

**.02 Coordination with Governor and Chief Judge of the Court of Appeals.**

Upon the declaration of any emergency by the Governor pursuant to Code, Public Safety Article, Title 14, the Chairman of the Commission, directly or through designees, shall, to the extent practicable, consult with the Governor, the Governor's designees, the Maryland Emergency Management Agency, other Executive Branch officials, and as appropriate, the Chief Judge of the Court of Appeals, in order to coordinate Executive and Judicial Branch responses to the emergency as they relate to operations of the Commission.

**.03 Authority of Chairman.**

**A. Generally.**

Upon a determination by the Chairman of the Commission that an emergency or other event within the scope of COMAR 14.09.17.01 significantly affects access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively, the Chairman, by Administrative Order, may, to the extent necessary:

- (1) Amend and superintend existing Continuity of Operations ("COOP") plans;
- (2) Suspend the operation of rules or regulations that cannot be implemented as intended because of the emergency;
- (3) Identify and direct the use of alternative locations to conduct Commission business if existing facilities become inaccessible or unusable;
- (4) Transfer cases pending in one hearing location that becomes inaccessible or unusable to any other hearing location;
- (5) Permit claims or documents to be filed in alternate location(s) or by alternative means where the normal location – i.e., Baltimore City, is not reasonably accessible or usable;
- (6) Suspend, toll, or grant relief from time deadlines or filing requirements that otherwise would expire when there is no practical ability of a party to comply with the deadline or seek other relief;
- (7) Triage claims or issues and categories of claims or issues with respect to expedited treatment;
- (8) Suspend any Commission business not deemed essential;
- (9) Designate other Commissioners, "recall" Commissioners or Commission officials to implement directives entered by the Chairman or the Governor; and
- (10) Take any other appropriate action necessary to assure that essential Commission business is effectively handled by the Commission.

**B. Duration; Compatibility with Governor's Directives.**

The authority granted in subsection A of this regulation may be implemented only as necessary during the emergency or its immediate aftermath and, if exercised following an emergency declared by the Governor, shall be compatible with directives and orders issued by the Governor. Promptly upon termination of the emergency, the Chairman shall review all directives issued pursuant to this Rule and determine a reasonable schedule for the rescission of those directives.

**C. Chairman Unavailable.**

During any period in which the Chairman is unavailable to exercise the authority granted in subsection A of this regulation, that authority may be exercised by the Commissioner on the Commission most senior in length of service on the Commission, unless the Chairman has designated another Commissioner on the Commission to exercise that authority or the Governor has designated another Commissioner on the Commission to serve as Acting Chairman during that period.

D. Notice and Posting of Directives.

To the extent practicable, a copy of all directives and orders issued under subsection A of this regulation following a declaration of emergency by the Governor, shall be sent to the Governor, the Director of the Maryland Emergency Management Agency, and, in a catastrophic health emergency, the Secretary of Health, and shall be posted on the Commission website. Notices may be sent electronically and may be posted through Commission social media accounts as appropriate.