

SENATE BILL 586

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2000 Regular Session
(0lr2547)

ENROLLED BILL
-- Finance/Economic Matters --

Introduced by **Senator Astle**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation - Temporary Total Disability Benefits - Jurisdiction**
3 **of the Commission**

4 FOR the purpose of expanding the circumstances under which the Workers'
5 Compensation Commission retains jurisdiction pending an appeal to include a
6 request for temporary total disability benefits; ~~and~~ authorizing the Commission,
7 under certain circumstances, to pass a certain supplemental order that an
8 employer provide temporary total benefits pending an appeal; providing that
9 this Act may not be construed to prevent the Commission from ordering a certain
10 offset or credit; providing that the insurer or self-insurer is entitled to a certain
11 offset or credit under certain circumstances; and generally relating to the
12 jurisdiction of the Commission.

13 BY repealing and reenacting, with amendments,
14 Article - Labor and Employment
15 Section 9-742
16 Annotated Code of Maryland

1 (1999 Replacement Volume)

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

4 **Article - Labor and Employment**

5 9-742.

6 (a) The Commission retains jurisdiction pending an appeal to consider:

7 (1) a request for additional medical treatment and attention; AND

8 (2) A REQUEST FOR TEMPORARY TOTAL DISABILITY BENEFITS,
9 PROVIDED THAT THE COVERED EMPLOYEE'S TEMPORARY TOTAL DISABILITY
10 BENEFITS WERE GRANTED IN THE ORDER ON APPEAL, AND WERE TERMINATED BY
11 THE INSURER OR SELF-INSURER PENDING ADJUDICATION OR RESOLUTION OF THE
12 APPEAL.

13 (b) (1) If the Commission finds that a covered employee needs additional
14 medical attention pending an appeal, the Commission may pass a supplemental order
15 requiring the employer to provide additional medical treatment and attention.

16 (2) IF THE COMMISSION FINDS THAT A COVERED EMPLOYEE NEEDS
17 EMPLOYEE'S TEMPORARY TOTAL DISABILITY BENEFITS WERE TERMINATED
18 PENDING AN ADJUDICATION OR RESOLUTION OF THE APPEAL, AND THAT THE
19 EMPLOYEE WAS TEMPORARILY TOTALLY DISABLED AT THE TIME OF TERMINATION,
20 THE COMMISSION MAY PASS A SUPPLEMENTAL ORDER REQUIRING THE EMPLOYER
21 TO PROVIDE THE EMPLOYEE WITH TEMPORARY TOTAL DISABILITY BENEFITS.

22 (3) IF THE COMMISSION'S DECISION TO REINSTATE TEMPORARY TOTAL
23 DISABILITY BENEFITS IS REVERSED OR MODIFIED ON APPEAL, THE INSURER OR
24 SELF-INSURER SHALL BE ENTITLED TO AN OFFSET OR CREDIT FOR OVERPAYMENT
25 OF THE TEMPORARY TOTAL DISABILITY BENEFITS GRANTED IN THE SUPPLEMENTAL
26 ORDER.

27 (c) A supplemental order passed by the Commission under this section is
28 subject to review on the pending appeal.

29 (d) When an appeal that is pending relates solely to a penalty imposed by the
30 Commission, the Commission retains jurisdiction over all matters in the case other
31 than imposition of the penalty.

32 (E) THIS SECTION MAY NOT BE CONSTRUED TO PREVENT THE COMMISSION
33 FROM ORDERING AN OFFSET OR CREDIT AGAINST AN AWARD FOR TEMPORARY
34 TOTAL OR PERMANENT PARTIAL DISABILITY BENEFITS FOR ANY TEMPORARY TOTAL
35 DISABILITY BENEFITS PREVIOUSLY PAID TO A COVERED EMPLOYEE, AS
36 AUTHORIZED UNDER ANY OTHER PROVISION OF THIS TITLE.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2000.