

SENATE BILL 586

Unofficial Copy
K1

2000 Regular Session
0lr2547
CF 0lr2595

By: **Senator Astle**
Introduced and read first time: February 4, 2000
Assigned to: Finance

Committee Report: Favorable with amendments
Senate action: Adopted with floor amendments
Read second time: March 21, 2000

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 the
9 insurer or self-insurer is entitled to a certain offset or credit under certain
10 circumstances; and generally relating to the jurisdiction of the Commission.

11 BY repealing and reenacting, with amendments,
12 Article - Labor and Employment
13 Section 9-742
14 Annotated Code of Maryland
15 (1999 Replacement Volume)

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

18 **Article - Labor and Employment**

19 9-742.

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

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

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

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

9 (2) IF THE COMMISSION FINDS THAT A COVERED ~~EMPLOYEE NEEDS~~
10 EMPLOYEE'S TEMPORARY TOTAL DISABILITY BENEFITS WERE TERMINATED
11 PENDING AN ADJUDICATION OR RESOLUTION OF THE APPEAL, AND THAT THE
12 EMPLOYEE WAS TEMPORARILY TOTALLY DISABLED AT THE TIME OF TERMINATION,
13 THE COMMISSION MAY PASS A SUPPLEMENTAL ORDER REQUIRING THE EMPLOYER
14 TO PROVIDE THE EMPLOYEE WITH TEMPORARY TOTAL DISABILITY BENEFITS.

15 (3) IF THE COMMISSION'S DECISION TO REINSTATE TEMPORARY TOTAL
16 DISABILITY BENEFITS IS REVERSED OR MODIFIED ON APPEAL, THE INSURER OR
17 SELF-INSURER SHALL BE ENTITLED TO AN OFFSET OR CREDIT FOR OVERPAYMENT
18 OF THE TEMPORARY TOTAL DISABILITY BENEFITS GRANTED IN THE SUPPLEMENTAL
19 ORDER.

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

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

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