

Department of Legislative Services  
Maryland General Assembly  
2000 Session

FISCAL NOTE  
Revised

Senate Bill 586 (Senator Astle)

Finance

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

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This bill provides that the Workers' Compensation Commission shall retain jurisdiction of a determination pending an appeal to consider a request for temporary total disability benefits provided that the employee's benefits: (1) were granted in the order on appeal; and (2) were terminated by the insurer or self-insurer pending adjudication or resolution of the appeal. In such circumstances, the commission would have the authority to pass a supplemental order requiring the employer to provide the temporary total disability benefits if: (1) the commission finds that a covered employee's benefits were terminated pending an appeal; and (2) the employee was temporarily totally disabled at the time of the termination. If the commission's decision to reinstate the benefits is reversed or modified on appeal, the insurer or self-insurer is entitled to an offset or credit for overpayment in the supplemental order.

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**Fiscal Summary**

**State Effect:** The bill changes the timing for payment of temporary total benefits and will not affect State workers' compensation expenditures. Any increase in the workload of the Workers' Compensation Commission could be handled with existing budgeted resources.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** If an employee's claim is denied by the commission, the employee may

appeal to the circuit court, provided the appeal is filed within 30 days of the date of the commission's order. The employee does not receive benefits pending outcome of the appeal. The commission retains jurisdiction pending an appeal only to consider a request for additional medical treatment and attention for those already awarded benefits.

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### **Additional Information**

**Prior Introductions:** Identical bills were introduced in the 1999 session as SB 315 and HB 795, and in the 1998 session as HB 899. In 1999, SB 315 received an unfavorable report from the Senate Finance Committee, and HB 795 received an unfavorable report from the House Economic Matters Committee. HB 899 of 1998 also received an unfavorable report from the House Economic Matters Committee.

**Cross File:** HB 612 (Delegate Moe) - Economic Matters.

**Information Source(s):** Injured Workers' Insurance Fund; Uninsured Employers' Fund; Workers' Compensation Commission; Department of Legislative Services

**Fiscal Note History:** First Reader - February 11, 2000  
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