
By: **Delegate McClenahan**
Introduced and read first time: February 18, 2002
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation Commission - Continuing Jurisdiction**

3 FOR the purpose of prohibiting the Workers' Compensation Commission from
4 modifying certain awards unless the modification is within a certain period
5 after the date of the accident, the date of disability, or the last compensation
6 payment; and generally relating to the authority of the Workers' Compensation
7 Commission to modify awards.

8 BY repealing and reenacting, with amendments,
9 Article - Labor and Employment
10 Section 9-736
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2001 Supplement)

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

15 **Article - Labor and Employment**

16 9-736.

17 (a) If aggravation, diminution, or termination of disability takes place or is
18 discovered after the rate of compensation is set or compensation is terminated, the
19 Commission, on the application of any party in interest or on its own motion, may:

- 20 (1) readjust for future application the rate of compensation; or
- 21 (2) if appropriate, terminate the payments.

22 (b) (1) The Commission has continuing powers and jurisdiction over each
23 claim under this title.

24 (2) Subject to paragraph (3) of this subsection, the Commission may
25 modify any finding or order as the Commission considers justified.

1 (3) Except as provided in subsection (c) of this section, the Commission
2 may not modify an award unless the modification is applied for within 5 years after:

3 (I) THE DATE OF THE ACCIDENT;

4 (II) THE DATE OF DISABILITY; OR

5 (III) the last compensation payment.

6 (c) (1) If it is established that a party failed to file an application for
7 modification of an award because of fraud or facts and circumstances amounting to an
8 estoppel, the party shall apply for modification of an award within 1 year after:

9 (i) the date of discovery of the fraud; or

10 (ii) the date when the facts and circumstances amounting to an
11 estoppel ceased to operate.

12 (2) Failure to file an application for modification in accordance with
13 paragraph (1) of this subsection bars modification under this title.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2002.