

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE
Revised

House Bill 1318
Economic Matters

(Delegate McClenahan)

Finance

Workers' Compensation Commission - Continuing Jurisdiction

This bill alters the Workers' Compensation Commission's authority to modify an award by further defining the timeframe within which an application for modification must be received.

Fiscal Summary

State Effect: The bill would not directly affect State operations or finances.

Local Effect: None.

Small Business Effect: Potential minimal.

Analysis

Bill Summary: The bill provides that, except in specified cases involving fraud, the commission may not modify an award unless the modification is applied for within five years after the latter of:

- the date of the accident;
- the date of disablement; or
- the last compensation payment.

Current Law: The commission may not modify an award unless the modification is applied for within five years of the date of the last compensation payment.

Background: Under current law, a modification of a final award for an occupational disease claim may be made within five years of the last compensation payment. The law does not expressly address a case in which a wage compensation payment was not made. Medical benefits awarded from a compensable workers' compensation claim are lifetime benefits under current law.

Under *Zeitler-Reese v. Giant Food, Inc., No. 857, Court of Special Appeals, Filed March 29, 2001*, the court agreed with the appellant's argument that the statute of limitations should not apply since only medical costs, but no prior award of compensation, had been paid to the injured worker. The employee had developed carpal tunnel syndrome during the course of employment but did not take time off of work. Accordingly, the employee had medical bills paid but was not eligible for wage replacement.

On October 17, 2001 the Workers' Compensation Insurance Benefit and Oversight Committee heard testimony from the Maryland Defense Counsel regarding the impact of this court decision. The committee learned that states that have imposed limitations on the reopening or modification of workers' compensation claims have done so in a variety of ways.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): National Council on Compensation Insurance, Uninsured Employers' Fund, Workers' Compensation Commission, Injured Workers' Insurance Fund, Subsequent Injury Fund, Department of Legislative Services

Fiscal Note History: First Reader - March 4, 2002
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