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By: **Delegate Moe**

Introduced and read first time: February 7, 2005

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                           **Workers' Compensation - Jurisdiction of Commission Pending Appeal -**  
3                           **Temporary Total Disability**

4 FOR the purpose of altering the circumstances under which the Workers'  
5 Compensation Commission retains jurisdiction of requests for temporary total  
6 disability benefits pending an appeal; altering the circumstances under which  
7 the Commission is authorized to pass a supplemental order requiring an  
8 employer to provide temporary total benefits; and generally relating to  
9 jurisdiction of the Commission pending appeals.

10 BY repealing and reenacting, with amendments,  
11 Article - Labor and Employment  
12 Section 9-742  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2004 Supplement)

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

17                           **Article - Labor and Employment**

18 9-742.

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

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

21 (2) a request for temporary total disability benefits, provided that the  
22 covered employee's CLAIM HAS BEEN FOUND AS COMPENSABLE BY THE COMMISSION  
23 [temporary total disability benefits were granted in the order on appeal, and were  
24 terminated by the insurer or self-insurer pending adjudication or resolution of the  
25 appeal].

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

1           (2)     If the Commission finds that a covered [employee's] EMPLOYEE IS  
2 ENTITLED TO temporary total disability benefits [were terminated pending  
3 adjudication or resolution of the appeal, and that the employee was temporarily  
4 totally disabled at the time of termination], the Commission may pass a  
5 supplemental order requiring the employer to provide the employee with temporary  
6 total disability benefits.

7           (3)     If the Commission's decision to [reinstate] AWARD temporary total  
8 disability benefits is reversed or modified on appeal, the insurer or self-insurer shall  
9 be entitled to an offset or credit for overpayment of the temporary total disability  
10 benefits granted in the supplemental order.

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

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

16       (e)     This section may not be construed to prevent the Commission from  
17 ordering an offset or credit against an award for temporary total or permanent partial  
18 disability benefits for any temporary total disability benefits previously paid to a  
19 covered employee, as authorized under any other provision of this title.

20       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
21 October 1, 2005.