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By: **Senator Astle**

Introduced and read first time: February 11, 2005

Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Permanent Partial Disability - Petition to Reopen**

3 FOR the purpose of providing that if a covered employee receives additional  
4 compensation for a disability on a petition to reopen a certain claim, the  
5 additional compensation may not increase the amount of compensation  
6 previously awarded and paid.

7 BY repealing and reenacting, with amendments,  
8 Article - Labor and Employment  
9 Section 9-629  
10 Annotated Code of Maryland  
11 (1999 Replacement Volume and 2004 Supplement)

12 BY repealing and reenacting, without amendments,  
13 Article - Labor and Employment  
14 Section 9-736(b)(2) and (3)  
15 Annotated Code of Maryland  
16 (1999 Replacement Volume and 2004 Supplement)

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

19 **Article - Labor and Employment**

20 9-629.

21 (A) If a covered employee is awarded compensation for a period equal to or  
22 greater than 75 weeks but less than 250 weeks, the employer or its insurer shall pay  
23 the covered employee weekly compensation that equals two-thirds of the average  
24 weekly wage of the covered employee but does not exceed one-third of the State  
25 average weekly wage.

26 (B) IF A COVERED EMPLOYEE RECEIVES ADDITIONAL COMPENSATION FOR A  
27 DISABILITY ON A PETITION TO REOPEN A CLAIM, THE ADDITIONAL COMPENSATION

1 MAY NOT INCREASE THE AMOUNT OF COMPENSATION PREVIOUSLY AWARDED AND  
2 PAID.

3 9-736.

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

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

- 9 (i) the date of the accident;
- 10 (ii) the date of disablement; or
- 11 (iii) the last compensation payment.

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