
By: **Chairman, Economic Matters Committee (By Request - Departmental -
Workers' Compensation Commission)**

Introduced and read first time: January 19, 2006

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Timing of Benefit Payments, Filing Issues, and**
3 **Processing Claims**

4 FOR the purpose of altering the timing of certain requirements for employers or
5 insurers to pay certain benefits or file certain issues to contest claims so as to
6 occur within a certain number of days after the mailing of a notice of the filing
7 of a claim; altering the time period after which the Workers' Compensation
8 Commission may assess certain fines; altering the period of time in which the
9 Commission is required to deny or approve a claim; and generally relating to
10 workers' compensation claims.

11 BY repealing and reenacting, with amendments,
12 Article - Labor and Employment
13 Section 9-713 and 9-714
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2005 Supplement)

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

18 **Article - Labor and Employment**

19 9-713.

20 (a) Except as provided in subsection (c) of this section, within 21 days [after a
21 claim is filed with the Commission] OF THE MAILING OF THE NOTICE OF THE FILING
22 OF A CLAIM, the employer or its insurer shall:

23 (1) begin paying temporary total disability benefits; or

24 (2) file with the Commission any issue to contest the claim.

25 (b) If the Commission finds that an employer or insurer has failed, without
26 good cause, to begin paying temporary total disability benefits or to file issues
27 contesting a claim within 21 days [after the claim is filed] OF THE MAILING OF THE

1 NOTICE OF THE FILING OF A CLAIM, the Commission may assess against the
2 employer or insurer a fine not exceeding 20% of the amount of the payment.

3 (c) If the employer or its insurer does not begin paying benefits or file issues
4 within 21 days under subsection (a) of this section, within 30 days [after the claim is
5 filed with the Commission] OF THE MAILING OF THE NOTICE OF THE FILING OF A
6 CLAIM, the employer or its insurer shall:

7 (1) begin paying temporary total disability benefits; or

8 (2) file with the Commission any issue to contest the claim.

9 (d) If the Commission finds that an employer or insurer has failed, without
10 good cause, to begin paying temporary total disability benefits or to file issues
11 contesting a claim within 30 days [after the claim is filed] OF THE MAILING OF THE
12 NOTICE OF THE FILING OF A CLAIM, the Commission may assess against the
13 employer or insurer a fine not exceeding 40% of the payment.

14 (e) The Commission shall order the employer or insurer to pay a fine assessed
15 under this section to the covered employee.

16 (f) Subject to § 9-714 of this subtitle, payment by an employer or its insurer
17 before an award does not waive the right of the employer or its insurer to contest the
18 claim.

19 9-714.

20 (a) When the Commission receives a claim, the Commission:

21 (1) may investigate the claim; and

22 (2) on application of any party to the claim, shall order a hearing.

23 (b) (1) The Commission shall make or deny an award within 30 days:

24 (i) after the [claim is filed] MAILING OF THE NOTICE OF THE
25 FILING OF A CLAIM; or

26 (ii) if a hearing is held, after the hearing is concluded.

27 (2) The decision shall be recorded in the principal office of the
28 Commission, and a copy of the decision shall be sent by first class mail to each party's
29 attorney of record or, if the party is unrepresented, to the party.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
31 effect July 1, 2006.