

SENATE BILL 549

K1
HB 668/05 – ECM

71r1680

By: **Senator Garagiola**
Introduced and read first time: February 2, 2007
Assigned to: Finance

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 disability benefits; and generally relating
9 to 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 2006 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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) a request for temporary total disability benefits, provided that the
2 covered employee's **CLAIM HAS BEEN ACCEPTED AS COMPENSABLE BY THE**
3 **COMMISSION** [temporary total disability benefits were granted in the order on
4 appeal, and were terminated by the insurer or self-insurer pending adjudication or
5 resolution of the appeal].

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

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

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

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

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2007.