

HOUSE BILL 1150

K1

8lr2285

By: **Delegates Manno and Schuler**

Introduced and read first time: February 7, 2008

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Permanent Partial Disability - Compensation**

3 FOR the purpose of requiring, if a covered employee receives additional compensation
4 for a certain award for permanent partial disability, an employer or insurer to
5 pay the additional compensation in a certain manner, subject to a certain credit;
6 providing for the application of this Act; and generally relating to payment of an
7 award for permanent partial disability under the workers' compensation law.

8 BY repealing and reenacting, without amendments,
9 Article - Labor and Employment
10 Section 9-628(b) through (g) and 9-630(a) and (d)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2007 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Labor and Employment
15 Section 9-629
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2007 Supplement)

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

20 **Article - Labor and Employment**

21 9-628.

22 (b) Except as provided in subsections (f) and (g) of this section, if a covered
23 employee is awarded compensation for less than 75 weeks in a claim arising from
24 events occurring on or after January 1, 1988, the employer or its insurer shall pay the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 covered employee compensation that equals one-third of the average weekly wage of
2 the covered employee but does not exceed \$80.

3 (c) Except as provided in subsections (f) and (g) of this section, if a covered
4 employee is awarded compensation for less than 75 weeks in a claim arising from
5 events occurring on or after January 1, 1989, the employer or its insurer shall pay the
6 covered employee compensation that equals one-third of the average weekly wage of
7 the covered employee but does not exceed \$82.50.

8 (d) Except as provided in subsections (f) and (g) of this section, if a covered
9 employee is awarded compensation for less than 75 weeks in a claim arising from
10 events occurring on or after January 1, 1993, the employer or its insurer shall pay the
11 covered employee compensation that equals one-third of the average weekly wage of
12 the covered employee but does not exceed \$94.20.

13 (e) Except as provided in subsections (f) and (g) of this section, if a covered
14 employee is awarded compensation for less than 75 weeks in a claim arising from
15 events occurring on or after January 1, 2000, the employer or its insurer shall pay the
16 covered employee compensation that equals one-third of the average weekly wage of
17 the covered employee but does not exceed \$114.

18 (f) If a covered employee is awarded compensation for less than 75 weeks for
19 a disability listed in § 9-627(b) of this subtitle, the employer or its insurer shall pay
20 the covered employee weekly compensation at the rate set for an award of
21 compensation for a period greater than or equal to 75 weeks but less than 250 weeks
22 under § 9-629 of this subtitle.

23 (g) If a public safety employee is awarded compensation for less than 75
24 weeks, the employer or its insurer shall pay the public safety employee compensation
25 at the rate set for an award of compensation for a period greater than or equal to 75
26 weeks but less than 250 weeks under § 9-629 of this subtitle.

27 9-629.

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

33 (B) (1) **IF, ON A PETITION TO REOPEN OR APPEAL, A COVERED**
34 **EMPLOYEE RECEIVES ADDITIONAL COMPENSATION SO THAT THE PERIOD OF**
35 **COMPENSATION IS EQUAL TO OR GREATER THAN 75 WEEKS BUT LESS THAN 250**
36 **WEEKS, AN EMPLOYER OR INSURER SHALL PAY THE ENTIRE AMOUNT OF THE**
37 **ADDITIONAL COMPENSATION FOR THE TOTAL NUMBER OF WEEKS OF THE**
38 **COMBINED AWARDS.**

1 **(2) AN EMPLOYER OR INSURER REQUIRED TO PAY ADDITIONAL**
2 **COMPENSATION UNDER PARAGRAPH (1) OF THIS SUBSECTION IS ENTITLED TO**
3 **A CREDIT FOR AMOUNTS PREVIOUSLY PAID UNDER THE INITIAL AWARD.**

4 9-630.

5 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
6 employee is given an award or a combination of awards resulting from 1 accidental
7 personal injury or occupational disease for 250 weeks or more under § 9-627 of this
8 subtitle:

9 (i) the Commission shall increase the award or awards by
10 one-third the number of weeks in the award or awards, computed to the nearest whole
11 number; and

12 (ii) the employer or its insurer shall pay the covered employee
13 weekly compensation that equals two-thirds of the average weekly wage of the
14 covered employee, but does not exceed 75% of the State average weekly wage.

15 (2) An award for disfigurement or mutilation under § 9-627(i) of this
16 subtitle may not be used to make up the 250 weeks under paragraph (1) of this
17 subsection.

18 (d) If a covered employee receives additional compensation for a disability on
19 a petition to reopen for serious disability, the additional compensation may not
20 increase the amount of compensation previously awarded and paid.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
22 construed to apply only prospectively and may not be applied or interpreted to have
23 any effect on or application to any claim filed before the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2008.