

# SENATE BILL 642

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CF 9lr3108

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By: **Senator Kittleman**

Introduced and read first time: February 6, 2009

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Temporary Total Disability Benefits – Credit**

3 FOR the purpose of providing a credit for an employer or insurer for certain payments  
4 to a covered employee for temporary total disability benefits under certain  
5 circumstances and during a certain period; providing for the application of this  
6 Act; and generally relating to payment of temporary total benefits.

7 BY repealing and reenacting, without amendments,  
8 Article – Labor and Employment  
9 Section 9–618  
10 Annotated Code of Maryland  
11 (2008 Replacement Volume)

12 BY repealing and reenacting, with amendments,  
13 Article – Labor and Employment  
14 Section 9–621  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume)

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 9–618.

21 A covered employee who is temporarily totally disabled due to an accidental  
22 personal injury or an occupational disease shall be paid compensation in accordance  
23 with this Part III of this subtitle.

24 9–621.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   (1)   Except as provided in paragraph (2) of this subsection, if a covered  
2 employee is temporarily totally disabled due to an accidental personal injury or an  
3 occupational disease, the employer or its insurer shall pay the covered employee  
4 compensation that equals two-thirds of the average weekly wage of the covered  
5 employee, but:

6                           (i)    does not exceed the average weekly wage of the State; and

7                           (ii)   is not less than \$50.

8           (2)   If the average weekly wage of the covered employee is less than  
9 \$50 at the time of the accidental personal injury or the last injurious exposure to the  
10 hazards of the occupational disease, the employer or its insurer shall pay the covered  
11 employee compensation that equals the average weekly wage of the covered employee.

12          (b)   (1)   The employer or its insurer shall pay the compensation for the  
13 period that the covered employee is temporarily totally disabled.

14                   (2)   **THE EMPLOYER OR ITS INSURER SHALL BE ENTITLED TO A**  
15 **CREDIT FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS**  
16 **TEMPORARILY TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY**  
17 **OR AN OCCUPATIONAL DISEASE IF:**

18                           (I)   **MEDICAL TREATMENT OF THE EMPLOYEE FOR AN**  
19 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS DELAYED OR**  
20 **SUSPENDED; AND**

21                           (II)   **THE DELAY OR SUSPENSION OF TREATMENT IS CAUSED**  
22 **BY A MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED TO THE**  
23 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

24                   (3)   **THE CREDIT PROVIDED UNDER PARAGRAPH (2) SHALL BE**  
25 **ALLOWED ONLY FOR COMPENSATION PAID DURING THE PERIOD THAT MEDICAL**  
26 **TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL**  
27 **DISEASE WAS DELAYED OR SUSPENDED.**

28          SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
29 construed to apply only prospectively and may not be applied or interpreted to have  
30 any effect on or application to any claims for workers' compensation benefits filed  
31 before the effective date of this Act.

32          SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2009.