

SENATE BILL 642

K1

9lr2374
CF HB 1005

By: **Senator Kittleman**

Introduced and read first time: February 6, 2009

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 30, 2009

CHAPTER _____

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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

4 9-621.

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

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

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

12 (2) If the average weekly wage of the covered employee is less than
13 \$50 at the time of the accidental personal injury or the last injurious exposure to the
14 hazards of the occupational disease, the employer or its insurer shall pay the covered
15 employee compensation that equals the average weekly wage of the covered employee.

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

18 (2) **THE EMPLOYER OR ITS INSURER ~~SHALL~~ MAY BE ENTITLED TO**
19 **A CREDIT FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS**
20 **TEMPORARILY TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY**
21 **OR AN OCCUPATIONAL DISEASE IF:**

22 (I) **MEDICAL TREATMENT OF THE EMPLOYEE FOR AN**
23 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS DELAYED OR**
24 **SUSPENDED; AND**

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

28 (3) **THE CREDIT PROVIDED UNDER PARAGRAPH (2) ~~SHALL~~ MAY**
29 **BE ALLOWED ONLY FOR COMPENSATION PAID DURING THE PERIOD THAT**
30 **MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY OR AN**
31 **OCCUPATIONAL DISEASE WAS DELAYED OR SUSPENDED SOLELY BECAUSE OF A**
32 **MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED TO THE**
33 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

34 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
35 construed to apply only prospectively and may not be applied or interpreted to have

1 any effect on or application to any claims for workers' compensation benefits filed
2 before the effective date of this Act.

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.