

HOUSE BILL 751

K1
HB 1005/09 – ECM

0lr1942

By: **Delegates Miller, Haddaway, Jameson, King, Minnick, and Rudolph**
Introduced and read first time: February 5, 2010
Assigned to: Economic Matters

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 disability 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 and 2009 Supplement)

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 and 2009 Supplement)

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.

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) OF THIS
25 SUBSECTION SHALL BE ALLOWED ONLY FOR COMPENSATION PAID DURING THE
26 PERIOD THAT MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY OR
27 AN OCCUPATIONAL 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, 2010.