

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

Senate Bill 1063
Rules

(Senator Kittleman)

Workers' Compensation Commission - Jurisdiction Over Claims on Appeal -
Limitation

This bill specifies that, in the case of a workers' compensation claim that is on appeal, the Workers' Compensation Commission (WCC) has continuing powers and retains jurisdiction over the claim only to consider certain requests. Specifically, except for in a pending appeal that relates solely to a penalty imposed by WCC, the commission's jurisdiction is retained *only* with regard to requests for (1) additional medical treatment and attention; (2) approval of a proposed settlement; or (3) specified temporary total disability benefits.

Fiscal Summary

State Effect: The bill is not expected to materially affect State operations or finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Statute specifies that WCC has continuing powers and jurisdiction over each workers' compensation claim and retains jurisdiction pending an appeal to consider (1) additional medical treatment and attention; (2) approval of a proposed settlement; or (3) specified temporary total disability benefits. When a pending appeal relates solely to a penalty imposed by WCC, the commission retains jurisdiction over all matters in the case other than imposition of the penalty.

In a recent decision (*Potomac Abatement, Inc., et al. v. Edy Sanchez*, No. 56, September Term 2011), the Court of Appeals held that (1) WCC retains jurisdiction to hear new issues while other issues in the same claim are pending on appeal, so long as no evidence was taken or decision made on the new issues in the hearing from which the appeal was taken; and (2) statute was not intended to reduce the commission's ongoing jurisdiction to grant relief, notwithstanding the appeal.

Additional Information

Prior Introductions: None.

Cross File: HB 1426 (Delegates Jameson and Minnick) - Economic Matters.

Information Source(s): Workers' Compensation Commission, Department of Legislative Services

Fiscal Note History: First Reader - April 5, 2012
mc/ljm

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