

# SENATE BILL 852

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CF 8lr2901

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By: **Senator Klausmeier**

Introduced and read first time: February 5, 2018

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of providing a credit for an employer or insurer for certain payments to a  
4 covered employee for temporary total disability benefits under certain circumstances  
5 and during a certain period; providing for the application of this Act; and generally  
6 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 (2016 Replacement Volume and 2017 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Labor and Employment  
14 Section 9–621  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2017 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
18 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 personal  
22 injury or an occupational disease shall be paid compensation in accordance with this Part  
23 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 employee,  
5 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 \$50 at  
9 the time of the accidental personal injury or the last injurious exposure to the hazards of  
10 the occupational disease, the employer or its insurer shall pay the covered employee  
11 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 period  
13 that the covered employee is temporarily totally disabled.

14 (2) **THE EMPLOYER OR ITS INSURER MAY BE ENTITLED TO A CREDIT**  
15 **FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS TEMPORARILY**  
16 **TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY OR AN**  
17 **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 **SOLELY BY A MEDICAL CONDITION, AN INJURY, OR A DISEASE THAT IS NOT RELATED**  
23 **TO THE 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 AN**  
27 **OCCUPATIONAL DISEASE WAS DELAYED OR SUSPENDED.**

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
33 October 1, 2018.