

# SENATE BILL 435

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CF 9lr2122

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By: **Senator Klausmeier**

Introduced and read first time: February 1, 2019

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation Commission – Continuing Jurisdiction**

3 FOR the purpose of clarifying the period of time within which the Workers' Compensation  
4 Commission may modify certain awards; and generally relating to the authority of  
5 the Workers' Compensation Commission to modify awards.

6 BY repealing and reenacting, with amendments,  
7 Article – Labor and Employment  
8 Section 9–736  
9 Annotated Code of Maryland  
10 (2016 Replacement Volume and 2018 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
12 That the Laws of Maryland read as follows:

13 **Article – Labor and Employment**

14 9–736.

15 (a) If aggravation, diminution, or termination of disability takes place or is  
16 discovered after the rate of compensation is set or compensation is terminated, the  
17 Commission, on the application of any party in interest or on its own motion, may:

18 (1) readjust for future application the rate of compensation; or

19 (2) if appropriate, terminate the payments.

20 (b) (1) The Commission has continuing powers and jurisdiction over each  
21 claim under this title.

22 (2) Subject to paragraph (3) of this subsection, the Commission may modify

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 any finding or order as the Commission considers justified.

2 (3) Except as provided in subsection (c) of this section, the Commission may  
3 not modify an award unless the modification is applied for within 5 years after the latter  
4 of:

5 (i) the date of the accident;

6 (ii) the date of disablement; or

7 (iii) the last compensation payment **FROM THE SELF-INSURED**  
8 **EMPLOYER, INSURER, OR UNINSURED EMPLOYERS' FUND.**

9 (c) (1) If it is established that a party failed to file an application for  
10 modification of an award because of fraud or facts and circumstances amounting to an  
11 estoppel, the party shall apply for modification of an award within 1 year after:

12 (i) the date of discovery of the fraud; or

13 (ii) the date when the facts and circumstances amounting to an  
14 estoppel ceased to operate.

15 (2) Failure to file an application for modification in accordance with  
16 paragraph (1) of this subsection bars modification under this title.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2019.