

SENATE BILL 919

K1

4lr2484
CF HB 1050

By: **Senator Klausmeier**

Introduced and read first time: February 2, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Modification of Award – Extension**

3 FOR the purpose of extending the period of time during which the Workers' Compensation
4 Commission may modify certain awards if an appeal is filed during the original time
5 period the Commission maintains authority to modify an award; and generally
6 relating to the authority of the Workers' Compensation Commission to modify
7 awards.

8 BY repealing and reenacting, with amendments,
9 Article – Labor and Employment
10 Section 9–736
11 Annotated Code of Maryland
12 (2016 Replacement Volume and 2023 Supplement)

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

15 **Article – Labor and Employment**

16 9–736.

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

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

21 (2) if appropriate, terminate the payments.

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

24 (2) Subject to paragraph (3) of this subsection, the Commission may modify
25 any finding or order as the Commission considers justified.

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

4 (i) the date of the accident;

5 (ii) the date of disablement; or

6 (iii) the last compensation payment.

7 **(C) IF AN APPEAL IS FILED UNDER THIS SUBTITLE WHILE THE COMMISSION**
8 **MAINTAINS THE AUTHORITY TO MODIFY AN AWARD UNDER SUBSECTION (B) OF THIS**
9 **SECTION, THE TIME LIMITATION UNDER SUBSECTION (B)(3) OF THIS SECTION SHALL**
10 **BE EXTENDED BY 60 DAYS.**

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

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

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

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

19 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall be construed to
20 apply only prospectively and may not be applied or interpreted to have any effect on or
21 application to any claim arising from events occurring before the effective date of this Act.

22 **SECTION 3. AND BE IT FURTHER ENACTED,** That this Act shall take effect
23 October 1, 2024.