

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
First Reader

Senate Bill 919
Finance

(Senator Klausmeier)

Workers' Compensation - Modification of Award - Extension

This bill extends the time period during which the Workers' Compensation Commission (WCC) may modify a workers' compensation award from five years after the latter of the date of the accident, the date of disablement, or the last compensation payment, to five years and 60 days, but only if an appeal is filed within the five-year period noted above.

Fiscal Summary

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

Chesapeake Employers' Insurance Company (Chesapeake) Effect: The bill is not anticipated to materially affect expenditures or revenues for Chesapeake.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: Potential minimal.

Analysis

Bill Summary/Current Law:

Workers' Compensation and Modifications of Awards

If an employee covered under workers' compensation insurance has suffered an accidental personal injury, compensable hernia, or occupational disease, the employee is entitled to

compensation benefits paid by the employer, its insurer, the Subsequent Injury Fund, or the Uninsured Employers' Fund, as appropriate. Workers' compensation benefits include wage replacement, medical treatment, and vocational rehabilitation expenses.

Under current law, WCC has continuing powers and jurisdiction over each workers' compensation claim made in the State and may modify any finding or order as it considers justified. However, WCC may not modify an award unless the modification is applied within five years of the latter of (1) the date of the accident; (2) the date of disablement; or (3) the last compensation payment.

Under the bill, if an appeal is filed within that five-year period, the time limit during which WCC may modify an award is extended by 60 days.

Appeals

An employer, covered employee, dependent of a covered employee, or any other interested person aggrieved by a decision of WCC, including the Subsequent Injury Fund and Uninsured Employers' Fund, may appeal a decision of WCC within 30 days after the date of the mailing of WCC's order by:

- filing a petition for judicial review, as specified;
- attaching to or including in the petition a certificate of service verifying that, on the date of the filing, a copy of the petition has been sent by first-class mail to WCC and to each other party of record; and
- on the date of the filing, serving copies of the petition by first-class mail on WCC and each other party on record.

To take an appeal, a person must file an order of appeal with the circuit court for the county where (1) the covered employee resides; (2) the employer has its principal place of business; or (3) the accidental personal injury, compensable hernia, or last injurious exposure to the hazards of the occupational disease occurred.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 1050 (Delegate Pruski) - Economic Matters.

Information Source(s): Workers' Compensation Commission; Chesapeake Employers' Insurance Company; Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2024
rh/ljm

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