



## 2024 POSITION PAPER

HB1050/SB919

### ALLOWING TIME TO REQUEST A HEARING WHEN THE MARYLAND WORKERS' COMPENSATION COMMISSION REGAINS JURISDICTION FAVORABLE

This bill allows a party sixty days to request a modification hearing before Maryland Workers' Compensation Commission ("Commission") when the Commission regains jurisdiction over a claim after an appeal has ended.

#### MAJ Supports This Bill for Multiple Reasons

When a decision of the Commission is appealed to the circuit court, the Commission retains limited jurisdiction over the claim until the appeal is concluded.<sup>1</sup> Generally, the Commission can only decide requests regarding authorization for medical care. Even though the Commission cannot make decisions on all potential Workers' Compensation Act benefits, the time allowed for the Commission to make those decisions continues to wind down. If a claim is on appeal, the time allowed for the Commission to resolve a dispute may end, even when the Commission has no jurisdiction to resolve that dispute. As a result, injured workers are required to file a request for a modification hearing, even though no hearing can be held, and then continually request continuances of any scheduled hearing until such time that the Commission recovers jurisdiction to resolve the dispute.

#### HB1050/ SB919 will:

- Briefly increase the time to request a hearing before the Commission when an appeal is concluded and the Commission regains jurisdiction to resolve the dispute.
- Allow the Commission to not have to schedule hearings on disputes in which the Commission has no jurisdiction to resolve.
- Continue to honor the "benevolent purpose" of the Maryland Workers' Compensation Act and ensure that injured workers are allowed time to request all benefits once the Commission regains jurisdiction to decide disputes over all potential benefits.

#### Maryland Association for Justice urges a FAVORABLE Report on HB1050 / SB919.

<sup>1</sup> Md. Code Ann., Lab & Empl. § 9-742.

#### About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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