

# 2024 Position Paper - Appeal SOL.pdf

Uploaded by: Chris Figueras

Position: FAV



## 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.

10440 Little Patuxent Parkway, Suite 250  
Columbia, MD 21044

(410) 872-0990 | FAX (410) 872-0993  
info@mdforjustice.com

mdforjustice.com

# **SB919 Klausmeier Sponsor Amendment.pdf**

Uploaded by: Katherine Klausmeier

Position: FWA



SB0919/723720/1

AMENDMENTS  
PREPARED  
BY THE  
DEPT. OF LEGISLATIVE  
SERVICES

04 MAR 24  
16:11:42

BY: Senator Klausmeier  
(To be offered in the Finance Committee)

AMENDMENTS TO SENATE BILL 919  
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with “during” in line 4 down through “award” in line 5 and substitute “, the time to file an application for a modification of award lapses after the appeal is filed, and the final resolution of the appeal has not been reached”.

AMENDMENT NO. 2

On page 2, strike beginning with “**IF**” in line 7 down through “**THE**” in line 9 and substitute “**THE**”; and in line 10, after “**DAYS**” insert “**IF:**”

**(1) AN APPEAL IS FILED UNDER THIS SUBTITLE;**

**(2) THE TIME TO FILE AN APPLICATION FOR MODIFICATION OF AN AWARD LAPSES AFTER THE APPEAL IS FILED; AND**

**(3) A FINAL RESOLUTION OF THE APPEAL HAS NOT BEEN REACHED**”.

# **SB 919\_MDCC\_Workers' Compensation - Modification**

Uploaded by: Andrew Griffin

Position: UNF



**LEGISLATIVE POSITION:**

**Unfavorable**

**Senate Bill 919**

**Workers' Compensation - Modification of Award - Extension**

**Senate Finance Committee**

**Tuesday, March 5, 2024**

Dear Chairwoman Beidle and Members of the Committee:

Founded in 1968, the Maryland Chamber of Commerce is the leading voice for business in Maryland. We are a statewide coalition of more than 6,800 members and federated partners working to develop and promote strong public policy that ensures sustained economic health and growth for Maryland businesses, employees, and families.

Senate Bill 919 intends to extend, for 60 days, the period of time during which the Workers' Compensation Commission may modify an award related to a workers' compensation claim if an appeal is filed during the original 5-year period and apply the Act prospectively.

Maryland already has one of the longest reopening statutes for workers' compensation claims in the country. By extending the statute of limitations further, employers stand to bear even greater claims costs and the uncertainty of increased claim exposure. Greater claim costs and increased exposure to claims will lead to higher premiums for employers' workers' compensation insurance. Additionally, SB 919 stands to only impact indemnity benefits, not medical benefits.

The proposed change in SB 919 addresses a seemingly rare set of circumstances that could create more harm than good. Further, the change is likely unnecessary because the injured worker is already not required to wait until an appeal is concluded to file additional issues with the Workers' Compensation Commission (WCC). Just because the WCC may not have jurisdiction over an issue while an appeal is pending does not preclude the filing of the issue with the Commission.

Finally, the possible need to postpone a WCC hearing on an issue multiple times with a pending appeal is no longer burdensome on the parties or the Commission with the WCC's fully paperless system. This system allows for postponement requests to be processed in moments with an almost immediate turnaround.

For these reasons, the Maryland Chamber of Commerce respectfully requests an **unfavorable report** on **SB 919**.

# **SB 919 Chesapeake-IWIF Testimony.pdf**

Uploaded by: Lyndsey Meninger

Position: UNF



Senate Finance Committee  
March 5, 2024

**Testimony of Chesapeake Employers' Insurance Company  
and Injured Workers' Insurance Fund in Opposition to Senate Bill 919**

Senate Bill 919 seeks to extend the time to re-open a workers' compensation claim/award by sixty (60) days, moving the time period from five (5) years to five (5) years and sixty (60) days. For the following reasons, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund respectfully oppose Senate Bill 919.

At present, Maryland has one of the broadest re-opening statutes in the country, generally allowing an injured worker to "re-open" his or her claim for indemnity benefits within five (5) years of the last compensation payment received by the injured worker. Many other states' time periods are for shorter, making Maryland's re-opening statute one of the most liberal of all state systems.

Additionally, Senate Bill 919, as written, addresses no pending issue or concern presently affecting the workers' compensation system; it simply adds sixty (60) days to the current limitation period. If the intent of Senate Bill 919 is to allow a sixty (60) day window to re-open one's claim after the completion of the appeal process, the present bill language does not provide that relief.

Lastly, the protection of an injured worker's re-opening rights during the pendency of an appeal is clearly ingrained in Maryland's system as an injured worker can simply file an issue form with the Workers' Compensation Commission thereby tolling the five (5) year period currently allotted thereby protecting one's right to re-open after the finalization of an appeal.

It should be noted that Senate Bill 919 and the issue it seeks to address has no bearing on an individual's right to receive medical treatment as there is no limitation period affecting an injured workers' right to seek medical treatment following a compensable injury or disease.

For the foregoing reasons, therefore, Chesapeake Employers' Insurance and Injured Workers' Insurance Fund respectfully request an unfavorable report on Senate Bill 919.

*Contact: Carmine G. D'Alessandro  
Chief Legal Officer  
Chesapeake Employers' Insurance Company/IWIF  
410-494-2305  
[cdalessandro@ceiwc.com](mailto:cdalessandro@ceiwc.com)*

*Lyndsey Beidle Meninger  
Vice President of Legal Services  
Chesapeake Employers' Insurance Company/IWIF  
410-494-2016  
[lmeninger@ceiwc.com](mailto:lmeninger@ceiwc.com)*



**SB 919 WC Modificatoni of Award Unfavorable 03052**

Uploaded by: Nancy Egan

Position: UNF



**Testimony of**

**American Property Casualty Insurance Association (APCIA)**

**Senate Finance Committee**

**Senate Bill 919- Workers' Compensation – Modification of Award- Extension**

**March 5, 2024**

**Unfavorable**

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67% of the U.S. property and casualty insurance market, including 89% percent of Maryland's workers' compensation market. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 919.

Senate Bill 919 would extend for 60 days, the period of time during which the Workers' Compensation Commission may modify an award related to a workers' compensation claim if an appeal is filed during the original 5-year period during which the Commission maintains authority to modify an appeal. APCIA opposes this extension. Claimants already have five years from the latter of the date of the accident, disablement, or last compensation payment to apply for modification of an award. Further extensions of this very generous time period should not be permitted merely for filing an appeal of uncertain merit.

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 919.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

[Nancy.egan@APCIA.org](mailto:Nancy.egan@APCIA.org) Cell: 443-841-4174