

HOUSE BILL 751

K1
HB 1005/09 – ECM

0lr1942

By: **Delegates Miller, Haddaway, Jameson, King, Minnick, and Rudolph**
Introduced and read first time: February 5, 2010
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Temporary Total Disability Benefits – Credit**

3 FOR the purpose of providing ~~a credit for~~ that an employer or insurer may be entitled
4 to a credit for certain payments to a covered employee for temporary total
5 disability benefits under certain circumstances and during a certain period;
6 providing for the application of this Act; and generally relating to payment of
7 temporary total disability benefits.

8 BY repealing and reenacting, without amendments,
9 Article – Labor and Employment
10 Section 9–618
11 Annotated Code of Maryland
12 (2008 Replacement Volume and 2009 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article – Labor and Employment
15 Section 9–621
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2009 Supplement)

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

20 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9-618.

2 A covered employee who is temporarily totally disabled due to an accidental
3 personal injury or an occupational disease shall be paid compensation in accordance
4 with this Part III of this subtitle.

5 9-621.

6 (a) (1) Except as provided in paragraph (2) of this subsection, if a covered
7 employee is temporarily totally disabled due to an accidental personal injury or an
8 occupational disease, the employer or its insurer shall pay the covered employee
9 compensation that equals two-thirds of the average weekly wage of the covered
10 employee, but:

11 (i) does not exceed the average weekly wage of the State; and

12 (ii) is not less than \$50.

13 (2) If the average weekly wage of the covered employee is less than
14 \$50 at the time of the accidental personal injury or the last injurious exposure to the
15 hazards of the occupational disease, the employer or its insurer shall pay the covered
16 employee compensation that equals the average weekly wage of the covered employee.

17 (b) (1) The employer or its insurer shall pay the compensation for the
18 period that the covered employee is temporarily totally disabled.

19 (2) **THE EMPLOYER OR ITS INSURER ~~SHALL~~ MAY BE ENTITLED TO**
20 **A CREDIT FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS**
21 **TEMPORARILY TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY**
22 **OR AN OCCUPATIONAL DISEASE IF:**

23 (I) **MEDICAL TREATMENT OF THE EMPLOYEE FOR AN**
24 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS DELAYED OR**
25 **SUSPENDED; AND**

26 (II) **THE DELAY OR SUSPENSION OF TREATMENT IS CAUSED**
27 **BY A MEDICAL CONDITION, INJURY, OR DISEASE THAT IS NOT RELATED TO THE**
28 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE.**

29 (3) **THE CREDIT PROVIDED FOR UNDER PARAGRAPH (2) OF THIS**
30 **SUBSECTION SHALL BE ALLOWED ONLY FOR COMPENSATION PAID DURING THE**
31 **PERIOD THAT MEDICAL TREATMENT FOR AN ACCIDENTAL PERSONAL INJURY OR**
32 **AN OCCUPATIONAL DISEASE WAS DELAYED OR SUSPENDED.**

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
34 construed to apply only prospectively and may not be applied or interpreted to have

1 any effect on or application to any claims for workers' compensation benefits filed
2 before the effective date of this Act.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2010.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.