

SENATE BILL 311

K1
HB 1005/09 – ECM

3lr1173

By: **Senator Astle**
Introduced and read first time: January 23, 2013
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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

7 BY repealing and reenacting, without amendments,
8 Article – Labor and Employment
9 Section 9–618
10 Annotated Code of Maryland
11 (2008 Replacement Volume and 2012 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Labor and Employment
14 Section 9–621
15 Annotated Code of Maryland
16 (2008 Replacement Volume and 2012 Supplement)

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

19 **Article – Labor and Employment**

20 9–618.

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

24 9–621.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

8 (2) If the average weekly wage of the covered employee is less than
9 \$50 at the time of the accidental personal injury or the last injurious exposure to the
10 hazards of the occupational disease, the employer or its insurer shall pay the covered
11 employee compensation that equals the average weekly wage of the covered employee.

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

14 **(2) THE EMPLOYER OR ITS INSURER MAY BE ENTITLED TO A**
15 **CREDIT FOR COMPENSATION PAID TO A COVERED EMPLOYEE WHO IS**
16 **TEMPORARILY TOTALLY DISABLED DUE TO AN ACCIDENTAL PERSONAL INJURY**
17 **OR AN OCCUPATIONAL DISEASE IF:**

18 **(I) MEDICAL TREATMENT OF THE EMPLOYEE FOR AN**
19 **ACCIDENTAL PERSONAL INJURY OR AN OCCUPATIONAL DISEASE IS DELAYED OR**
20 **SUSPENDED; AND**

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

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
29 construed to apply only prospectively and may not be applied or interpreted to have
30 any effect on or application to any claims for workers' compensation benefits filed
31 before the effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2013.