Workers Compensation Benefit Overview – Maryland

Court of Appeals recently affirmed the decision regarding the payment of PPD benefits when a workers compensation award is increased by reason of worsening of condition, from first tier to second tier, ER/insurer is entitled to credit for the number of weeks paid rather than the dollar amount previously paid. Paul Del Marr v. Montgomery County.

Indemnity Issues

Temporary Total Benefits	$50.00 Min., $906.00 Max., 3 day waiting period retro on the 15th day of disability, unlimited benefits. Compensation Rate is Two thirds of AWW. AWW is based on a 14 week wage statement. Always round up the AWW. Payment for TTD is not due until the Employee's Claim Form is filed with WCC.
Temporary Partial Benefits	No minimum. Max $453.00/wk – Rate used is ½ the difference between the pre-injury wages/AWW and the current gross earnings. Insured must provide light duty or benefits must continue.
Permanent Partial Benefits	No minimum. Limited benefits. All body parts are scheduled by weeks. AMA application by physician. 1-74 wks @ 1/3 of AWW or $114/wk for accidents occurring before 1/1/09. For accidents occurring after 1/1/09 but before 1/1/10 1/3 of AWW, not to exceed 14.3% of State AWW or $130.00. 75-249 wks @ 2/3 of AWW or $302/week, whichever is less. 250 + wks: 2/3 of AWW or 75% of AWW not to exceed $680/wk. 250+ is serious disability. For those claims you must increase the # of weeks by 1/3.
Permanent Total Benefits	$50.00 Minimum, $906.00 Maximum. Unlimited benefits.
Fatality Benefits	Maximum burial expense of $5,000. Total dependency of widow – unlimited period of benefits unless they remarry. Rate is 2/3 of AWW. Min.-$25.00, Max -$877.00. Dependent children entitled to the same rate until age 18 or 21 if in school.
Vocational Rehabilitation	Yes if injured worker has permanent restrictions. Agreed time frame to be paid at the compensation rate. Include job search and retraining if necessary. There is a 2 year limit for job training only.
Settlement Allowed	Yes, you can Full and Final a claim to include medical.
Cap on benefits, exceptions	None.

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Medical Issues

Initial Choice of Provider	Employee choice
Change of Provider	Employee choice
Medical Fee Schedule	Yes
Managed Care	Yes
Utilization Review	No
Treatment Guidelines	No
Medical Mileage Reimbursement Rate	As of 1/1/09 - .55/mi
Network Information	Unable to direct, but attempt to channel. First Health (primary) and Corvel (secondary).
Ability to Terminate Medical Treatment	Use IME to manage treatment. Yes, you are able to terminate medical benefits due to supporting information.
Settlement Allowed	Yes
Cap on benefits, exceptions	No

Other Issues

WC Hearing Docket Speed	Approximately 60 days from receipt of Issues.
Staff Counsel	Law Office of Joseph Jagielski, 7 St. Paul St. Suite 1250 Baltimore, Maryland 21202 443-353-2301
Hearings require attorney or claim handler participation	Attorney
Occupational Diseases	Yes, same as Occupational Injury.
Second Injury Fund availability	Yes, 25% of PPD must be pre-existing

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Other Offset Opportunities	Apportionment for prior or subsequent conditions/injuries
EDI	N/A
In-State Adjusting Required	Yes
License or Certification Required	No

State workers compensation website link:

http://www.wcc.state.md.us/

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