



**Maryland**  
WORKERS' COMPENSATION  
COMMISSION

# 2021 ANNUAL REPORT

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor

R. Karl Aumann, Chairman  
Mary K. Ahearn, Chief Executive Officer

# MARYLAND WORKERS' COMPENSATION COMMISSION

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## MISSION

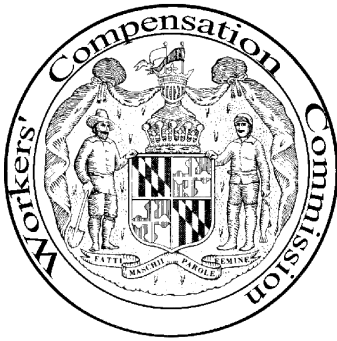
The Maryland Workers' Compensation Commission seeks to secure the equitable and timely administration of the provisions of the Maryland Workers' Compensation law on behalf of its customers, the injured workers and their employers, by providing an efficient forum for the resolution of individual claims.

## VISION

The Workers' Compensation Commission envisions a state wherein injured workers and employers are empowered to create an equitable partnership to facilitate prompt and fair resolution of workers' compensation matters.

## Equal Opportunity Employer

The Workers' Compensation Commission continues to acknowledge and accept its commitment to equal opportunity for all current and prospective employees as well as its clients.



## LETTER FROM THE CHAIRMAN

**T**he adage “may you live in interesting times” has disputed origins, but unquestionably applies to all of us. With the continuing effects of the pandemic presenting daily challenges, I am pleased to submit this 2021 Annual Report of the Maryland Workers’ Compensation Commission. This excellent publication fulfills our legislative mandate in LE 9-312 and covers the fiscal year running from July 1, 2020 through June 30, 2021.

The Commission is committed to excellence and our staff is steadfast in its efforts to perform our responsibilities. Without question, the professionalism and technical acumen of our team is a hallmark of the WCC. Our agency's operation is the foundation of why Maryland’s workers’ compensation system is among the finest in the United States. This remains true even in the face of difficult changes and obstacles. It is appropriate at this juncture to highlight that in the face of adversity, our workers’ compensation community has risen to the occasion.

This comprehensive report is a critical resource for every stakeholder in the workers’ compensation community. It is included on our website to maximize its availability to the public. The data collected and presented gives excellent insight to the facts and trends affecting Maryland workers, employers, and insurers. Amy S. Lackington and her team deserve enormous credit for their work in making this publication possible.

On behalf of the entire Commission, I extend my gratitude to our indispensable partners and leaders in government. Governor Larry Hogan and the General Assembly have been stalwart supporters. I also appreciate the immeasurable help from the Legislative Oversight Committee, the Maryland Workers’ Compensation Educational Association, the Medical Fee Guide Committee, and the Budget Advisory Committee. Collectively, we are able to better serve the entire community.

Sincerely yours,

R. Karl Aumann

## THE COMMISSION AT A GLANCE

The Maryland Workers' Compensation Commission (the "Commission" or "WCC") is an Independent Agency within the Executive Branch of Maryland State Government. *See generally*, Md. Code Ann., Labor and Employment Article ("LE"), §§ 9-101 - 9-1201. Appointed by the Governor with Senate advice and consent, the Commission's ten members serve twelve-year terms. LE § 9-302. The Governor names the chair. LE § 9-303.

Under Administration, work of the WCC is carried out by three departments: Finance, Information Technology, and Operations.

- a. Finance oversees Fiscal Services; Insurance Programs, Compliance and Reporting; Personnel, and Document Processing, and is aided by the Budget Advisory Committee.
- b. Information Technology oversees Software and Database Development, Systems and Networks, Information Security, Datacenters and Technical Customer Support.
- c. Operations oversees Court Reporting, Hearings, Claims Processing, Interpreter Services, Public Service, Appeals and Support Services (Medical Fee Guide Publisher, Vocational Rehabilitation Certification and Registry).
- d. WCC also is aided by the Advisory Committee on the Registration of Rehabilitation Practitioners, and the Medical Fee Guide Revision Committee.

The WCC administers the Workers' Compensation Law and adjudicates claims for compensation arising under the law. *See generally*, Md. Code Ann., Labor and Employment Article ("LE"), §§ 9-301—9-316. Claims are filed and processed by the WCC which hears contested cases throughout the State. Claimants requiring rehabilitation are referred by the Commission to appropriate rehabilitation service providers.

Employers file a First Report of Injury form with the Commission after a qualifying employee injury occurs. If the injured worker files a claim for benefits within the statutory time limits, an Employee Claim file is created. Employee Claims for benefits may also be filed for occupational disease under specialized statutory definitions. Although not directly subject to HIPAA as a covered entity or trading partner, WCC adheres to strict data privacy protections. Access to non-public data and document images is restricted.

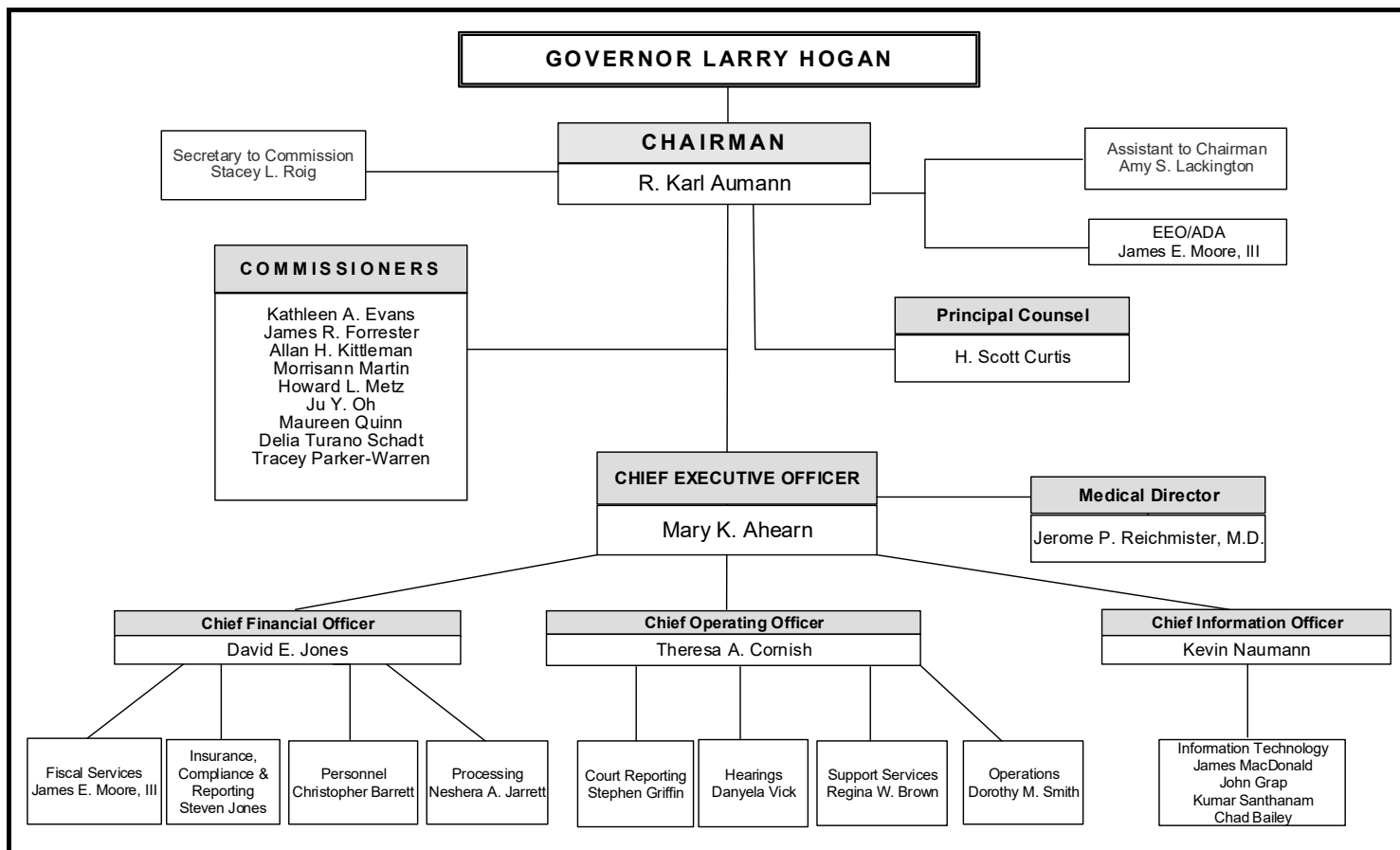
The Commission functions similarly to a judicial system in adjudicating the disputed claims of injured workers in Maryland. A case may be set for one or more hearings before a Commissioner. The Commissioner makes decisions based on issues raised and creates Commission orders. Appeals of Commission decisions are sent to one of Maryland's 24 county or municipal circuit courts. The WCC is required to provide certain notifications to parties and, on request, case related documents to the circuit courts.

The WCC schedules and conducts hearings at multiple hearing sites strategically located across the State. Hearing sites are located in Abingdon, Baltimore City, Beltsville, Cambridge, Cumberland, Frederick, and LaPlata. Commissioners rotate among the hearing locations. The WCC coordinates and schedules language and hearing interpreters for case hearings. The interpreter service is available upon request by a party in the case at no charge to the parties. Interpreters are sourced from a combination of in-house and outside services.

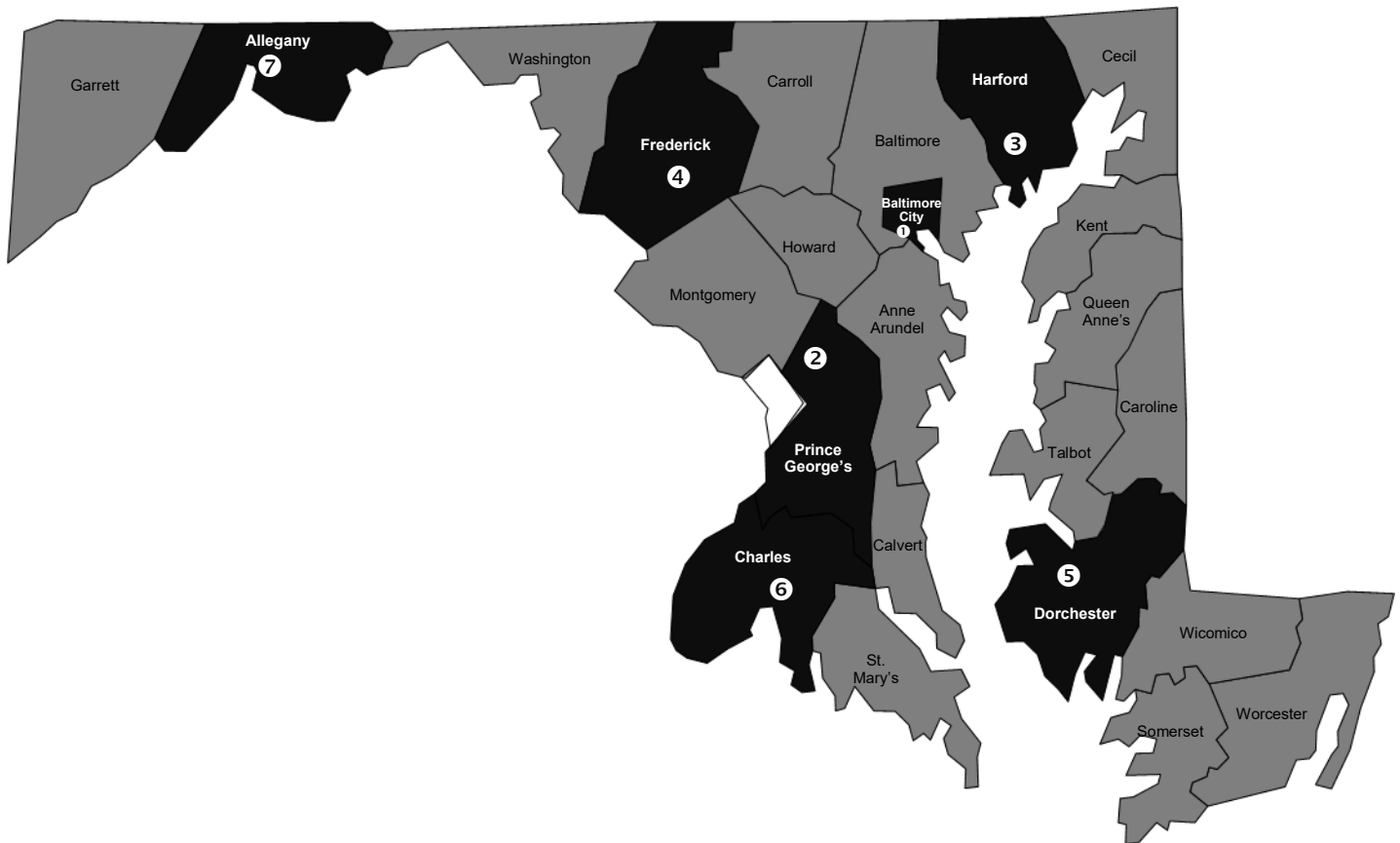
The Commission also:

- Tracks and orders employer compliance with workers' compensation insurance requirements.
- Processes attorney registrations for admission to worker's compensation law practice in Maryland.
- Assesses insurers for amounts based on the size of employer payrolls in Maryland for which they have written workers' compensation insurance policies.
- Oversees the self-insurance program and tracks the financial health of self-insured employers and establishes security deposit requirements.
- Registers and certifies vocational rehabilitation practitioners and providers, and tracks their continuing education.
- Updates and publishes an annual medical fee guide and handles medical fee dispute resolution. The Commission maintains internal subject matter expertise and internal consultative services on workplace injury related medical topics.

**ORGANIZATIONAL CHART**  
**Workers' Compensation Commission**



**HEARING SITE LOCATIONS**



1. **BALTIMORE CITY**  
Commission Headquarters and Hearing Rooms  
10 East Baltimore Street, 4th Floor  
Baltimore, MD 21202
2. **CENTRAL REGIONAL**  
4780 Corridor Place, Suite D  
Beltsville, MD 20705
3. **NORTH EAST REGIONAL**  
3465 Box Hill Corporate Center Drive, Suite E  
Abingdon, MD 21009
4. **NORTH WEST REGIONAL**  
1890 N. Market Street, Suite 200  
Frederick, MD 21701
5. **EASTERN REGIONAL**  
828 Airpax Road, Building B, Suite 400  
Cambridge, MD 21613
6. **SOUTHERN REGIONAL**  
403 East Charles Street  
La Plata, MD 20646
7. **WESTERN MARYLAND**  
Comfort Inn & Suites  
1216 National Highway  
Lavale, MD 21502

## BIOGRAPHIES

### **R. Karl Aumann, *Chairman***



R. Karl Aumann was appointed to the Maryland Workers' Compensation Commission in February 2005, and subsequently named Chairman in October of that year. Initially appointed by Governor Robert Ehrlich, in 2017 he was reappointed by Governor Larry Hogan. Immediately prior to this appointment, he served as Maryland's Secretary of State. He earned a B.A. from Loyola University in Maryland in 1982 and his J.D. in 1985 from the University of Baltimore, School of Law. Chairman Aumann was an associate with the Towson firm of Power & Mosner and later with the Baltimore office of Miles & Stockbridge. In 1991, President George H.W. Bush appointed

him Counsel and Senior Policy Advisor to the Appalachian Regional Commission. From 1994 until 2003, Chairman Aumann served as Chief Administrator and District Director for Congressman Robert Ehrlich. He is a Board member and past-president of SAWCA and is chair of the International Committee of the IAIABC. Elected as a Fellow of the College of Workers' Compensation Lawyers in 2015, he has also served since 2010 on the board of the National Association of Workers' Compensation Judiciary, and since 2006 on the Maryland Workers' Compensation Educational Association board of directors.

### **Mary K. Ahearn, *Chief Executive Officer***



Mary Ahearn was appointed Executive Director of the Workers' Compensation Commission in 2003, and has been a member since 1999. She graduated summa cum laude from the College of Notre Dame with a Bachelor of Arts in Business with a dual emphasis in Management and Human Resource Management. She served for several years as a Board member of the Maryland Chapter of the Juvenile Diabetes Research Foundation. She is a past president

of the Southern Association of Workers' Compensation Administrators (SAWCA) and is a past president of the International Association of Industrial Accident Boards & Commissions (IAIABC). In 2013, she served on the Governor's Task Force to Study Temporary Disability Insurance Programs & the Process for Assisting Individuals with Disabilities at Local Departments of Social Services.

## BIOGRAPHIES

### **Kathleen A. Evans, *Commissioner***



Kathleen A. Evans was appointed a member of the Maryland Workers' Compensation Commission by Governor Lawrence J. Hogan, Jr., in 2015. She received her Bachelor of Arts from the University of Maryland in 1979 and earned her Juris Doctorate from the University of Baltimore Law School in 1982. Commissioner Evans served as a prosecutor in both Anne Arundel County and Prince George's County for 19 years. During her tenure as an Assistant State's Attorney, Commissioner Evans prosecuted all major violent crime felonies occurring throughout Anne Arundel County and Prince George's County including homicides, armed robberies, attempted murders and serious assaults, and related firearms, weapons, and drug felonies. She

served as the Assistant Division Chief of the Homicide and Narcotics Division in Prince George's County, Chief of the District Court Division in Anne Arundel County, and Chief of the Narcotics Unit in Prince George's County. Commissioner Evans is a member of the Maryland State Bar Association, the Maryland State's Attorney's Association, the Anne Arundel County Bar Association, and the Women's Bar Association, to name a few. She actively participates in many business and civic organizations and has been the recipient of numerous federal, state and local level awards for her work as a prosecutor. Commissioner Evans has been a frequent speaker for over 20 years on criminal and law enforcement related matters.

### **James R. Forrester, *Commissioner***



James R. Forrester was appointed a member of the Maryland Workers' Compensation Commission in 2018 by Governor Lawrence J. Hogan, Jr. He is a graduate of Randolph-Macon College and the University of Baltimore's Merrick School of Business and School of Law. He earned a Master of Business Administration in 1995 and a Juris Doctor in 1998, with honors. In 1999, he joined the Law Offices of Ileen M. Ticer as an Associate Claims Attorney. Thereafter, he joined Semmes Bowen & Semmes, P.C. in the firm's Workers' Compensation and Employers' Liability Department, having been elected a Principal in 2009.

Throughout his years in legal practice, Commissioner Forrester has concentrated in the area of workers' compensation, appearing before all levels of the judiciary in the State of Maryland. He is also licensed and practiced in the District of Columbia. He served as President and Member of the Executive Board of the Baltimore Claims Association as well as the Co-Chair of the Workers' Compensation Section of the Maryland Defense Counsel. He also serves in a leadership role with several civic organizations.

## BIOGRAPHIES

### Allan H. Kittleman, *Commissioner*



On November 28, 2018 Governor Larry Hogan announced the appointment of Allan H. Kittleman to the Maryland Workers' Compensation Commission. Commissioner Kittleman graduated with honors from the University of Maryland School of Law with a J.D. in 1988. He received his bachelor's degree in political science from the University of Maryland, Baltimore County in 1981. After receiving his J.D. degree, he joined Smith, Somerville & Case. In 1991, he joined Herwig & Humphreys where he

became a partner. Subsequently, he became "of counsel" at Godwin, Erlandson, Vernon and Daney. Throughout his 25 years in legal practice, Commissioner Kittleman concentrated his practice in the defense of workers' compensation claims in Maryland and the District of Columbia. Commissioner Kittleman also previously served on the Howard County Council (1998-2004), in the Maryland State Senate (2004-2014) and as the Howard County Executive (2014-2018).

### Morrisann Martin, *Commissioner*



Morrisann Martin was appointed a member of the Maryland Workers' Compensation Commission in September 2019. Commissioner Martin is a graduate of Goucher College, and earned her Juris Doctor from the University of Baltimore School of Law. She was previously a partner at Tostanoski & Martin, and a partner at the firm of Downs, Ward, Bender, Hauptmann, and Herzog, P.A. (formerly Morgan Carlo Downs, P.A.) After having spent 10 years in the insurance industry as an adjuster, claims supervisor, and home office examiner, her legal career was in private practice

representing employers, insurers, uninsured employers, and self-insured employers before the Maryland Workers' Compensation Commission and Circuit Courts. She is a member of the Maryland State Bar Association's Negligence, Insurance, and Workers' Compensation Section, as well as the Workers' Compensation Section of Maryland Defense Counsel, Inc. She served numerous years on the board of MSIECA (Maryland Self-Insurers' and Employers' Compensation Association, Inc.), and has been a lecturer and presenter at the MWCEA annual conference.

## BIOGRAPHIES

### Howard L. Metz, *Commissioner*



On November 28, 2018 Governor Larry Hogan announced the appointment of Howard L. Metz to the Maryland Workers' Compensation Commission. Commissioner Metz graduated from the State University of New Jersey School of Law in 1985. He received his bachelor's degree from The American University in 1982. Mr. Metz has over 30 years of experience in workers' compensation and as a litigation attorney representing clients in trials before the Maryland Circuit and District Courts and U.S. District Court including courts in Pennsylvania and New Jersey. He has briefed and argued cases before the Maryland

Court of Appeals, Court of Special Appeals and U.S. Court of Appeals for the Fourth Circuit. In addition to practicing before the Maryland Workers' Compensation Commission, Mr. Metz has appeared before the Social Security Administration and other State and Federal Agencies. He has been a court appointed mediator for the Circuit Court for Frederick County since 2000 and for the Circuit Court for Washington County since 2008. He frequently lectures and is a continuing legal education instruction in the areas of Workers' Compensation law and mediation practice.

### Ju Y. Oh, *Commissioner*



Ju Y. Oh was appointed to the Maryland Workers' Compensation Commission by Governor Larry Hogan on July 1, 2019. Formerly a Partner at Humphreys, McLaughlin & McAleer, LLC, Commissioner Oh represented employers, insurers and policyholders before all levels of

the Maryland judicial system. Ms. Oh also appeared before the District of Columbia Office of Workers' Compensation. She has been a practicing member of the Maryland State Bar since 2004, and received her J.D. from the University of Baltimore School of Law in 2004.

### Maureen Quinn, *Commissioner*



Maureen Quinn was appointed a member of the Maryland Workers' Compensation Commission in 2002 by Governor Parris N. Glendening. She graduated from Temple University School of Law with a J.D. in 1987. Commissioner Quinn received her bachelor's degree in 1982 from American University, where she was a recipient of the Stafford Cassell Award for Governmental

Leadership. She was engaged in the private practice of law as a trial attorney from 1987 until 2002. She established her own law firm in 1995 and was primarily focused on general civil litigation. Commissioner Quinn is an adjunct professor at the University of Maryland University College where she teaches Business Ethics.

## BIOGRAPHIES

### **Delia Turano Schadt, *Commissioner***



Delia Turano Schadt was appointed a member of the Maryland Workers' Compensation Commission in November 2011. A native of Cumberland, Maryland, she is a graduate of James Madison University, and she earned her Juris Doctor from The University of Dayton School of Law. She served as judicial clerk to The Honorable J. Frederick Sharer and The Honorable Gary G. Leasure in the Circuit Court for Allegany County. Commissioner Schadt practiced workers' compensation law as a trial attorney with the Injured Workers' Insurance Fund, until she was appointed an Assistant Attorney General with the Maryland Office of the Attorney General.

She served as Board Counsel to several health occupation licensing boards with the Department of Health and Mental Hygiene until her appointment to the Commission. Commissioner Schadt is the Commissioners' representative to the Maryland State Bar Association's Negligence, Insurance, and Workers' Compensation Section. She serves on the International Association of Industrial Accident Boards & Commissions' (IAIABC) Medical Issues Committee and is a member of the National Association of Workers' Compensation Judiciary. She has lectured extensively on various workers compensation matters over the years.

### **Tracey Parker-Warren, *Commissioner***



Tracey Warren was appointed a member of the Maryland Workers' Compensation Commission in June 2016 by Governor Lawrence J. Hogan, Jr. Immediately prior to this appointment, she served as an Administrative Law Judge in the Office of Administrative Hearings. She graduated *cum laude* from the University of Baltimore School of Law. Commissioner Warren subsequently clerked for The Honorable Arrie W. Davis (Ret.), Court of Special

Appeals of Maryland, and through the US Attorney General's Honors Program, she served as Attorney Advisor for the Department of Justice. She was also an attorney with the US Department of Veterans Affairs. She is a member of the Board of Regents for Morgan State University and a member of the Appellate Judicial Nominating Commission. She is a member of the bars of Maryland, the District of Columbia, and the Supreme Court of the United States.

## AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

### WORKERS' COMPENSATION PROFESSIONAL ASSOCIATIONS

The success of the Maryland Workers' Compensation Commission rests largely on a strong foundation of highly talented and knowledgeable Commissioners and staff. Continuing professional development for both is one of the key elements in the Commission's quest to provide a smooth process and positive outcome in claims adjudication. Each year the Commissioners and staff are actively involved in educational opportunities sponsored by local, national and international workers' compensation professional associations.

**American Bar Association**  
[www.americanbar.org](http://www.americanbar.org)

**College of Workers' Compensation Lawyers**  
[www.cwclawyers.org](http://www.cwclawyers.org)

**International Association of Industrial Accident  
Boards and Commissions (IAIABC)**  
<http://www.iaiaabc.org>

**Maryland Workers' Compensation Educational  
Association (MWCEA)**  
<http://mwcea.com>

**National Association of Workers' Compensation  
Judiciary, Inc. (NAWCJ)**  
[www.nawcj.org](http://www.nawcj.org)

**Southern Association of Workers' Compensation  
Administrators (SAWCA) and Roger L. Williams  
National Regulators College**  
<http://www.sawca.com>

### NEW FORMS, REVISION, AND REPRINTED

- ◆ Request to Enter Appearance of Counsel (WCC C24R, 5/2021)
- ◆ Request to Enter Appearance of Counsel for Employer/Insurer (WCC C26R, 5/2021)
- ◆ Request for POSTPONEMENT of Emergency Hearing (WCC H29R, 3/2021)
- ◆ Settlement Worksheet (WCC H07R, 8/2020)
- ◆ MD WCC Subpoena Instructions, Policies/Procedures (7/2020)
- ◆ Subpoena/Subpoena Duces Tecum (WCC H08, 3/2021)
- ◆ Certification of Funeral Expenses (C-18, 1/2021)

- ◆ Claim for Funeral Benefits Only (C-19, 1/2021)
- ◆ Dependent's Request for Death Benefits (C-35, 1/2021)

### HIGHLIGHTS AND PROCESS IMPROVEMENTS

#### **Commission Response to COVID-19 Pandemic**

In Maryland, we felt a surge of optimism in the spring of 2021 with the rising vaccination rates and Covid-19 cases dropping. Disappointingly, because of the spread of the Delta variant, Covid-19 cases began to climb again. The Commission continues to monitor, plan, prepare, and take steps to mitigate the spread of Covid. Business operations will be modified as necessary to keep our employees and stakeholders safe and still carry on our mission to secure the equitable and timely administration of the provisions of the Workers' Compensation Act. Below are some of the key changes during the 2021 fiscal year.

- ◆ Prior to the June elimination of Level II State of Emergency status, the Commission instituted measures in full compliance with the CDC and Department of Health recommendations that included maintaining safe distances, screening questionnaires, taking of temperatures, and disinfecting hearing rooms between hearings. The wearing of masks in Commission facilities was mandated.
- ◆ Developed and implemented electronic method to capture contact tracing information for all attendees at hearings.
- ◆ Implemented a scheduled hearing process for in-person hearings while maintaining the option for video remote hearings and enhanced the process for the online submission of exhibits.
- ◆ Conducted Commission meetings and all internal business meetings using Microsoft Teams or conference calls until April at which time in-person Commission meetings resumed.
- ◆ Developed an internal Covid-19 Guidance intranet site for Commission employees.
- ◆ Implemented a telework initiative that more than doubled the number of employees who could work remotely and put into place remote management systems to reduce the need for onsite technical support.
- ◆ Developed a Return-to-Work plan for all Commission employees to begin July 2021 that included a vaccination plan and achieved 80% employee vaccination rate prior to return to office.

## **AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS**

### **Employer Compliance**

- ◆ 93,444 searches were performed using the Coverage Verification mobile app and employer details were provided on 41,881 searches.
- ◆ Show Cause hearings were not scheduled due to the COVID-19 pandemic and therefore there were no penalty orders issued for FY21. The Commission, however, continued to contact employers who appeared to be operating without workers' compensation commission and will schedule Show Cause hearings in FY2022.

### **Statistics**

- ◆ The Workers' Compensation Commission processed 39,530 statistical coding transactions. Statistical coding transactions capture award information including, but not limited to, class code of employee, industry, cause of injury and body part injured. This information is summarized in the annual report and used for analysis purposes from year to year.

### **Production**

- ◆ The Commission scanned 610,311 pages into the system in FY21, which is a 62% decrease from the previous fiscal year. The significant decrease is due to the Commission's continuing efforts to modernize its electronic filing system as well as the ongoing effects of the COVID-19 pandemic. In addition, the electronic submission of hearing documents (evidence and exhibits) prior to the hearing eliminated a significant volume of document scanning.
- ◆ The Commission processed 73,378 incoming pieces of mail (approximately 7% more than FY20) and in turn mailed out 527,366 pieces of mail (a decrease of approximately 8% from FY20).

### **Appeals**

- ◆ The number of appeal cases printed decreased 20% to 138. The decrease is largely attributed to the pandemic with courts not fully operational for the entire year.

### **Facilities**

- ◆ In June 2021, the Department of General Services completed negotiations to renew the lease for the Commission's principal offices in Baltimore City. The lease renewal is for a ten-year period with a five-year renewal option after the ten-year term. The new lease was renewed at a minimal increase per square

foot over the final year annual rate of the prior negotiated lease in December 2010.

### **Docketing**

- ◆ During the pandemic, the Commission remained dedicated to adjudicating as many cases as possible while keeping in line with the state mandated "social distancing" guidelines. Hearings were strategically set at specific times and for the first time, video hearings were implemented to decrease the backlog.

### **Interpreter Program**

- ◆ The Workers' Compensation Commission received 2,164 requests for interpreter services for fiscal year 2021 compared to 2,635 in fiscal year 2020. The Commission provided interpreter services for 29 languages in addition to Spanish. Telephonic interpretive services were used for the first time to accommodate the deployment of video hearings.

### **Hearing Division Orders**

- ◆ During the fiscal year there were 23,670 Commissioner Orders issued compared to 23,697 in fiscal year 2020. Despite the impact of COVID-19 on the Commission and the community, order production did not experience a substantial decline.

### **Settlements at Intake**

- ◆ The Commission processed a total of 6,986 settlements at intake for fiscal year 2021 compared to 8,382 in fiscal year 2020. There were 351 settlements rejected at the intake stage resulting in an overall 3% return rate. This return rate is down 4% compared to last fiscal year. The Workers' Compensation Commission continues to work closely with law firms to reduce the errors when submitting settlements for approval.

### **Transcripts**

- ◆ In fiscal year 2021, there were 2,237 transcripts (including special requests) produced compared to 2,147 in fiscal year 2020. As a result of the collaboration with the Commission's Enterprise Modernization project team, the reporters can upload hearing transcripts electronically to a claim, a more efficient and expedited process. For the fiscal year 2021, there were a total of 1,247 transcripts uploaded electronically.

## **AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS**

### **Electronic Claim Forms**

- ◆ In fiscal year 2021, over 90% of claims were submitted electronically; an increase of 2% over the previous year. This allows the Commission to process claims more expeditiously. While attorneys are required to use the online filing system, claimants have found it user friendly and are utilizing the electronic claim system as well.

### **Claim Related Documents**

- ◆ Over 100,000 claim related documents were submitted electronically; while this is a decrease in the total number of documents submitted it was a larger share compared to the prior year.

### **Incoming Telephone Calls**

- ◆ The Commission received 47,943 automated incoming calls and 9,899 ACD calls and maintained a 94.32% call answer service level (calls answered within 5 seconds).

### **Employer Database Cleanup Project**

- ◆ In preparation for the Commission's migration to a new processing system, one of the major tasks presented was the cleanup of its employer database. Staff worked diligently to delete duplicate employers, and to correct employer data in the existing system so only clean employer data would migrate to the new system. In fiscal year 2021, a total of 19,902 duplicate employers were deleted from the WCC employer database. The Commission anticipates completing this initiative in August.

### **Subpoenas**

- ◆ Due to COVID-19 and the state mandated "social distancing" guidelines, the public was not permitted to enter the Commission unless it was to attend a designated hearing. Although access to the building was limited, the Workers' Compensation Commission was still able to continue to respond to the community's needs in a timely manner. During this time, Public Service staff continued to come into the office to process work that was mailed in. Almost 18,100 subpoenas were processed during the fiscal year 2021 compared to 20,448 in the prior year.

### **Information Technology**

- ◆ Provided technical support to a remote workforce which more than doubled due to COVID-19.
- ◆ Implemented remote management systems to virtually eliminate the need for in-person interactions to provide technical support.
- ◆ Leveraged online video hearings to continue to serve the citizens of Maryland while in-person services were not permitted due to COVID-19.
- ◆ Enhanced DHS child support data exchange utilizing encryption via asymmetric cryptography.
- ◆ Implemented new technologies to submit web-based IC-1 forms which eliminate legacy file size upload and attachment limits.
- ◆ Implemented new interactive business intelligence reports with drill down functionality for data visualization.
- ◆ Enhanced the online submission of exhibits for hearings to accept larger attachments.
- ◆ Enhanced the eNotice system.
- ◆ Modified the docket setting system to support COVID-19 hearings onsite and remote.
- ◆ Continued to enhance the Commission's security posture via a variety of new applications, services, and security controls.
- ◆ Completed migration and registration of legacy WFMS users into the test and future production versions of CompHub.
- ◆ CompHub development of nearly all claims related processes completed.
- ◆ Released production processes for uploading completed hearing transcripts and exhibits for hearings.

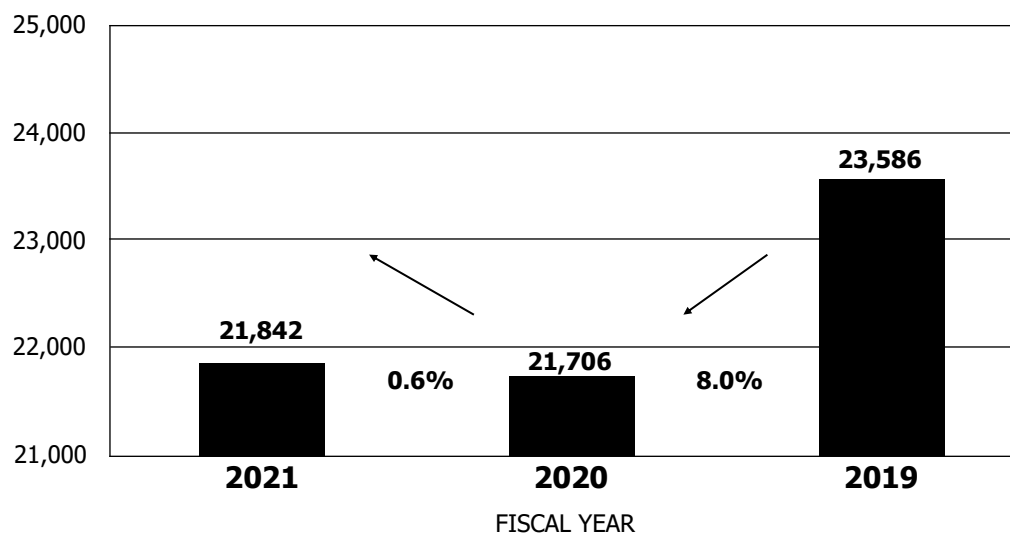
### **Report on Fraud Unit**

- ◆ Labor and Employment Article, § 9-310.2, Annotated Code of Maryland, requires the Commission to refer to the Insurance Fraud Division of the Maryland Insurance Administration any case in which it is established by a preponderance of the evidence, after a hearing, that a person knowingly affected or knowingly attempted to affect the payment of compensation benefits, fees, or expenses under the Workers' Compensation Act by means of a fraudulent representation. During fiscal year 2021, the Commission continued to review cases for possible referral to the Insurance Fraud Division and referred five (5) files for investigation.

## AGENCY PERFORMANCE

### TABLES AND CHARTS

FIGURE 1 • Filed Claims



# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 2 • Filed Claims by Industry**

| INDUSTRIES WITH MORE THAN 100 FILED CLAIMS               | FISCAL YEAR   |               |               |               |               |               |
|----------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|
|                                                          | 2021          |               | 2020          |               | 2019          |               |
|                                                          | Count         | Percent       | Count         | Percent       | Count         | Percent       |
| Policemen - Security                                     | 1,950         | 8.9%          | 1,941         | 8.9%          | 2,044         | 8.7%          |
| Truckmen N.O.C.                                          | 1,146         | 5.2%          | 1,026         | 4.7%          | 939           | 4.0%          |
| Storage Warehouses General Merchandise N.O.C.            | 992           | 4.5%          | 779           | 3.6%          | 736           | 3.1%          |
| <b>TOP 3 INDUSTRIES IN FILED CLAIMS</b>                  | <b>4,088</b>  | <b>18.7%</b>  | <b>3,746</b>  | <b>17.3%</b>  | <b>3,719</b>  | <b>15.8%</b>  |
| Convalescent Or Nursing Homes All Employees              | 930           | 4.3%          | 732           | 3.4%          | 683           | 2.9%          |
| Municipal Township County Or State Employees N.O.C.      | 870           | 4.0%          | 935           | 4.3%          | 934           | 4.0%          |
| Hospitals - All Other Employees                          | 862           | 3.9%          | 812           | 3.7%          | 840           | 3.6%          |
| Firemen Incl. Volunteer Dept & Ambulance Service         | 667           | 3.1%          | 687           | 3.2%          | 668           | 2.8%          |
| Building, Raising Or Moving - General Construction       | 627           | 2.9%          | 545           | 2.5%          | 675           | 2.9%          |
| Colleges Or Schools Incl. Day Care                       | 545           | 2.5%          | 1,209         | 5.6%          | 1,404         | 6.0%          |
| Hotels, Restaurants, Bars & Nightclubs                   | 526           | 2.4%          | 638           | 2.9%          | 694           | 2.9%          |
| Taxicab And Bus Companies                                | 459           | 2.1%          | 679           | 3.1%          | 650           | 2.8%          |
| Meat Combined Grocery And Provision Stores Retail        | 456           | 2.1%          | 509           | 2.3%          | 436           | 1.8%          |
| Buildings Operation By Contractors                       | 371           | 1.7%          | 401           | 1.8%          | 426           | 1.8%          |
| Mail & Parcel Delivery Employees, Salespersons & Drivers | 366           | 1.7%          | 280           | 1.3%          | 253           | 1.1%          |
| Automobile Garages Or Repair Shops Inc. Dealers          | 347           | 1.6%          | 359           | 1.7%          | 415           | 1.8%          |
| Physicians Incl. Clerical                                | 320           | 1.5%          | 277           | 1.3%          | 226           | 1.0%          |
| Store Risks Wholesale Or Combined N.O.C. K-MART          | 245           | 1.1%          | 245           | 1.1%          | 249           | 1.1%          |
| Clerical Office Employees N.O.C.                         | 241           | 1.1%          | 264           | 1.2%          | 371           | 1.6%          |
| Unclassified (Insufficient Data)                         | 230           | 1.1%          | 246           | 1.1%          | 340           | 1.4%          |
| Charitable Organizations (Goodwill)                      | 210           | 1.0%          | 244           | 1.1%          | 289           | 1.2%          |
| Landscape & Tree Surgery                                 | 177           | 0.8%          | 154           | 0.7%          | 158           | 0.7%          |
| Sheet Metal Work Incl. Air Conditioning & Refrigeration  | 141           | 0.6%          | 123           | 0.6%          | 141           | 0.6%          |
| Hardware Stores - Locksmiths                             | 136           | 0.6%          | N/A           |               | N/A           |               |
| Employment Agencies                                      | 132           | 0.6%          | 171           | 0.8%          | 163           | 0.7%          |
| Garbage Refuse Collecting                                | 132           | 0.6%          | 131           | 0.6%          | 133           | 0.6%          |
| Aircraft Operation All Other Employees                   | 128           | 0.6%          | 208           | 1.0%          | 266           | 1.1%          |
| Department Stores Retail                                 | 119           | 0.5%          | N/A           |               | N/A           |               |
| Carpentry N.O.C. - Renovations                           | 114           | 0.5%          | 146           | 0.7%          | 154           | 0.7%          |
| Clothing Or Dry Goods Stores Retail                      | 108           | 0.5%          | 132           | 0.6%          | 165           | 0.7%          |
| Electrical Wiring In Buildings                           | 108           | 0.5%          | N/A           |               | N/A           |               |
| Housing Authorities - Apts & Condos Incl. Real Estate    | 106           | 0.5%          | N/A           |               | N/A           |               |
| Plumbing-Steam Fitting                                   | 103           | 0.5%          | 108           | 0.5%          | 103           | 0.4%          |
| Athletic Teams of Parks                                  | N/A           |               | N/A           |               | 139           | 0.6%          |
| <b>Industries With More Than 100 Filed Claims</b>        | <b>9,776</b>  | <b>44.8%</b>  | <b>10,235</b> | <b>47.2%</b>  | <b>10,975</b> | <b>46.5%</b>  |
| <b>Number Of Industry Groups Represented</b>             | <b>32</b>     |               | <b>28</b>     |               | <b>29</b>     |               |
| <b>All Other</b>                                         | <b>7,978</b>  | <b>36.5%</b>  | <b>7,725</b>  | <b>35.6%</b>  | <b>8,892</b>  | <b>37.7%</b>  |
| <b>TOTAL</b>                                             | <b>21,842</b> | <b>100.0%</b> | <b>21,706</b> | <b>100.0%</b> | <b>23,586</b> | <b>100.0%</b> |

Source: Commission Data, July 2021

Note: Chart represents filed claims in which an award has been ordered.

NOC: Not Otherwise Classified

**FIGURE 3 • Awards According to Weeks of Disability and Body Part**

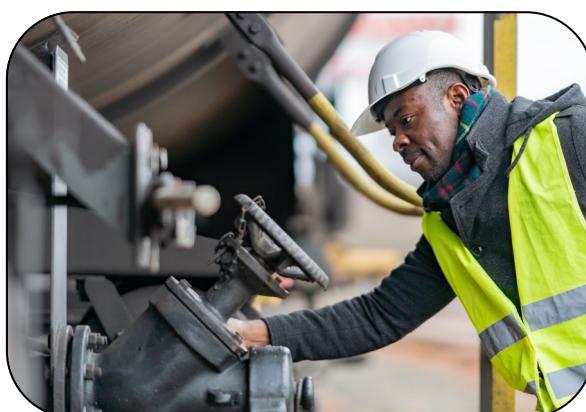
| FISCAL YEAR 2021            |              |              |                        |               |                  |
|-----------------------------|--------------|--------------|------------------------|---------------|------------------|
| TOP TEN BODY PARTS DISABLED |              |              |                        |               |                  |
| BODY PART                   | 0—74 Weeks   | 75—249 Weeks | Greater than 249 Weeks | Total         | Percent of Total |
| Thorax-Lower (Back)         | 1,240        | 260          | 6                      | 1,506         | 21.4%            |
| Shoulders                   | 733          | 632          | 11                     | 1,376         | 19.5%            |
| Knees                       | 797          | 254          | 3                      | 1,054         | 15.0%            |
| Neck                        | 494          | 135          | 7                      | 636           | 9.0%             |
| Spinal Cord                 | 467          | 136          | 6                      | 609           | 8.6%             |
| Hands                       | 382          | 68           | 2                      | 452           | 6.4%             |
| Ankle or Ankle and Leg      | 361          | 85           | 4                      | 450           | 6.4%             |
| Legs                        | 241          | 91           | 8                      | 340           | 4.8%             |
| Wrists                      | 252          | 76           | 0                      | 328           | 4.7%             |
| Hips                        | 201          | 88           | 5                      | 294           | 4.2%             |
| <b>TOTAL</b>                | <b>5,168</b> | <b>1,825</b> | <b>52</b>              | <b>7,045</b>  | <b>100.0%</b>    |
| <b>PERCENT OF TOTAL</b>     | <b>73.4%</b> | <b>25.9%</b> | <b>0.7%</b>            | <b>100.0%</b> |                  |

Source: Commission Data, July 2021

**FIGURE 4 • Permanency Awards According to Weeks of Disability**

| FISCAL YEAR | 0—74 Weeks | 75—249 Weeks | Greater than 249 Weeks | Total         |
|-------------|------------|--------------|------------------------|---------------|
| 2021        | 6,803      | 2,301        | 90                     | <b>9,194</b>  |
|             | 74.0%      | 25.0%        | 1.0%                   | <b>100.0%</b> |
| 2020        | 6,698      | 2,142        | 100                    | <b>8,940</b>  |
|             | 74.9%      | 24.0%        | 1.1%                   | <b>100.0%</b> |
| 2019        | 7,378      | 2,814        | 155                    | <b>10,347</b> |
|             | 71.3%      | 27.2%        | 1.5%                   | <b>100.0%</b> |

Source: Commission Data, July 2021



# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 5 • Permanency, Fatality, and Compromise Awards by Type of Award**

| TYPE                                                           | FISCAL YEAR     |                       |                    |                 |                       |                    |                |                      |                   |
|----------------------------------------------------------------|-----------------|-----------------------|--------------------|-----------------|-----------------------|--------------------|----------------|----------------------|-------------------|
|                                                                | 2021            |                       |                    | 2020            |                       |                    | 2019           |                      |                   |
|                                                                | Count           | Amount                | Average            | Count           | Amount                | Average            | Count          | Amount               | Average           |
| <b>Permanent Total</b><br><b>Percent Change - Prior Year</b>   | 24<br>-4.0%     | \$1,594,642<br>-16.3% | \$66,443<br>-12.8% | 25<br>-49.0%    | \$1,904,291<br>-64.3% | \$76,172<br>-28.3% | 49<br>13.9%    | \$5,204,891<br>21.3% | \$106,222<br>6.5% |
| <b>Permanent Partial</b><br><b>Percent Change - Prior Year</b> | 9,195<br>2.9%   | 165,694,054<br>3.6%   | 18,020<br>0.7%     | 8,937<br>-13.6% | 159,977,297<br>-19.9% | 17,901<br>-7.2%    | 10,347<br>0.9% | 199,629,685<br>-2.1% | 19,293<br>-3.0%   |
| <b>Fatality</b><br><b>Percent Change - Prior Year</b>          | 40<br>2.6%      | 10,297,712<br>3.9%    | 257,443<br>1.3%    | 39<br>-13.3%    | 9,912,065<br>27.0%    | 254,156<br>46.5%   | 45<br>-8.1%    | 7,806,096<br>-11.4%  | 173,469<br>-3.5%  |
| <b>Compromise</b><br><b>Percent Change - Prior Year</b>        | 5,198<br>-17.1% | 168,267,746<br>-15.5% | 32,372<br>2.0%     | 6,487<br>-0.1%  | 199,035,821<br>18.9%  | 31,739<br>18.9%    | 6,275<br>-0.3% | 167,465,778<br>-5.5% | 26,688<br>-5.1%   |
| <b>Total</b><br><b>Percent Change - Prior Year</b>             | 14,457<br>-5.3% | 345,854,154<br>-6.7%  | 23,923<br>-1.5%    | 15,272<br>-8.6% | 370,829,474<br>-2.4%  | 24,282<br>6.8%     | 16,716<br>0.4% | 380,106,450<br>-3.6% | 22,739<br>-4.0%   |
| <b>Compromise as a Percent of Permanent Partial</b>            |                 | 101.5%                | 179.6%             |                 | 121.4%                | 177.3%             |                | 83.9%                | 138.3%            |

Source: Commission Data, July 2021

**FIGURE 6 • Commission Claims Data**

| COMMISSION CLAIM ACTIONS          | FISCAL YEAR |         |        |         |           |         |
|-----------------------------------|-------------|---------|--------|---------|-----------|---------|
|                                   | 2021        |         | 2020   |         | 2019      |         |
|                                   | Count       | Percent | Count  | Percent | Count     | Percent |
| First Reports of Injury           | 78,596      |         | 89,012 |         | 125,316** |         |
| Total Filed Claims                | 21,842      |         | 21,706 |         | 23,586    |         |
| Disputed Accidental Injury Claims | 8,433       | 38.6%   | 10,120 | 46.6%   | 10,023    | 42.5%   |
| Temporary Total Awards            | 14,084      | 64.5%   | 13,588 | 62.6%   | 14,204    | 60.2%   |
| Claims Settled                    | 5,210       | 23.9%   | 6,487  | 29.9%   | 6,275     | 26.6%   |
| Claims Deferred                   | 4,913       | 22.5%   | 5,842  | 26.9%   | 6,006     | 25.5%   |
| Claims Disallowed by Commission   | 595         | 2.7%    | 464    | 2.1%    | 562       | 2.4%    |

Source: Commission Data, July 2021

\*\*Due to an insurer oversight, the number of First Reports of Injury (FROI) for FY19 includes 27,355 FROI's submitted in FY19 with a date of injury prior to FY19. In summary, there were 125,316 FROI's filed with the Commission in FY19 and 27,355 of them relate to a date of injury prior to FY19.

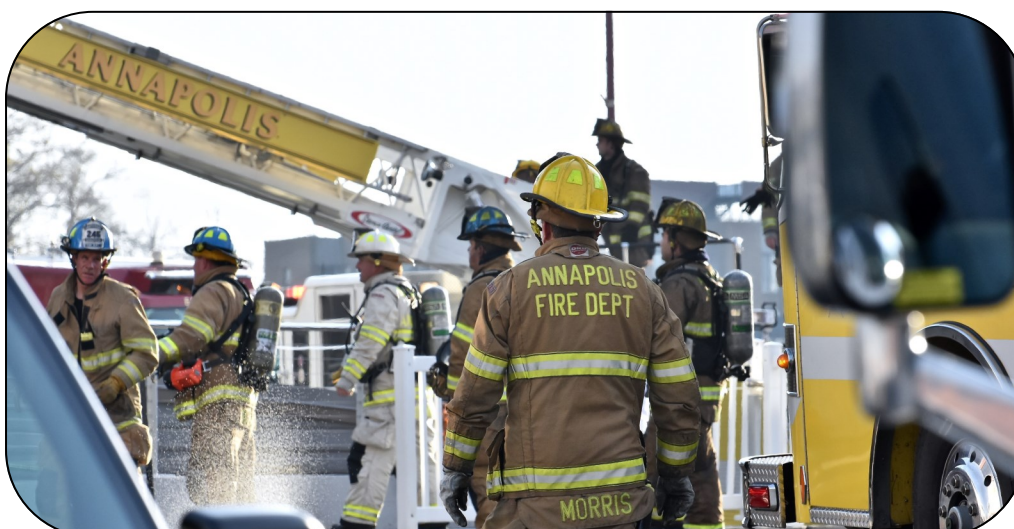
# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 7 • Fatalities by Industry Grouping**

| INDUSTRY GROUP                             | Employment <sup>(1)</sup> | FISCAL YEAR               |           |           |
|--------------------------------------------|---------------------------|---------------------------|-----------|-----------|
|                                            |                           | Fatalities <sup>(2)</sup> |           |           |
|                                            |                           | 2021                      | 2020      | 2019      |
| STATE GOVERNMENT                           | 96,606                    | 6                         | 3         | 1         |
| LOCAL GOVERNMENT                           | 234,399                   | 40                        | 19        | 19        |
| <b>GOVERNMENT SECTOR TOTAL</b>             | <b>331,005</b>            | <b>46</b>                 | <b>22</b> | <b>20</b> |
| GOOD PRODUCING                             |                           |                           |           |           |
| Natural Resources and Mining               | 7,085                     | 0                         | 2         | 2         |
| Construction                               | 161,567                   | 6                         | 8         | 7         |
| Manufacturing                              | 108,919                   | 1                         | 0         | 5         |
| SERVICE PROVIDING                          |                           |                           |           |           |
| Trades, Transportation , and Utilities     | 463,834                   | 4                         | 1         | 5         |
| Information Technology                     | 32,279                    | 0                         | 0         | 1         |
| Telecommunications                         | 11,164                    | 0                         | 0         | 0         |
| Financial Activities                       | 129,338                   | 1                         | 0         | 0         |
| Professional and Business Services         | 446,942                   | 1                         | 0         | 0         |
| Education and Health Services              | 422,306                   | 7                         | 3         | 3         |
| Leisure and Hospitality                    | 209,681                   | 0                         | 0         | 0         |
| Other Services                             | 79,536                    | 5                         | 0         | 4         |
| UNCLASSIFIED                               | 309                       | 16                        | 8         | 16        |
| <b>PRIVATE SECTOR TOTAL ALL INDUSTRIES</b> | <b>2,072,960</b>          | <b>41</b>                 | <b>22</b> | <b>43</b> |
| <b>TOTAL EMPLOYMENT/FATALITIES</b>         | <b>2,403,965</b>          | <b>87</b>                 | <b>44</b> | <b>63</b> |

Source: <sup>(1)</sup> DLLR 4th Quarter 2020

<sup>(2)</sup> Commission Data, July 2021



# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 8 • Filed Claims by Gender and Age**

| FISCAL YEAR 2021          |           |               |               |
|---------------------------|-----------|---------------|---------------|
| Gender                    | Age Group | Claims Filed  | Percent       |
| Male                      | Unknown   | 0             | 0.0%          |
| Male                      | 10 - 19   | 182           | 0.8%          |
| Male                      | 20 - 29   | 2,284         | 10.5%         |
| Male                      | 30 - 39   | 3,379         | 15.5%         |
| Male                      | 40 - 49   | 2,839         | 13.0%         |
| Male                      | 50 - 59   | 3,014         | 13.8%         |
| Male                      | 60 - 69   | 1,493         | 6.8%          |
| Male                      | 70 - 79   | 266           | 1.2%          |
| Male                      | 80 - 89   | 26            | 0.1%          |
| <b>Total</b>              |           | <b>13,483</b> | <b>61.7%</b>  |
| Female                    | Unknown   | 0             | 0.0%          |
| Female                    | 10 - 19   | 153           | 0.7%          |
| Female                    | 20 - 29   | 1,445         | 6.6%          |
| Female                    | 30 - 39   | 1,759         | 8.1%          |
| Female                    | 40 - 49   | 1,823         | 8.3%          |
| Female                    | 50 - 59   | 2,099         | 9.6%          |
| Female                    | 60 - 69   | 940           | 4.3%          |
| Female                    | 70 - 79   | 129           | 0.6%          |
| Female                    | 80 - 89   | 11            | 0.1%          |
| <b>Total</b>              |           | <b>8,359</b>  | <b>38.3%</b>  |
| <b>Total Filed Claims</b> |           | <b>21,842</b> | <b>100.0%</b> |

Source: Commission Data, July 2021



**FIGURE 9 • Source of Appeals**

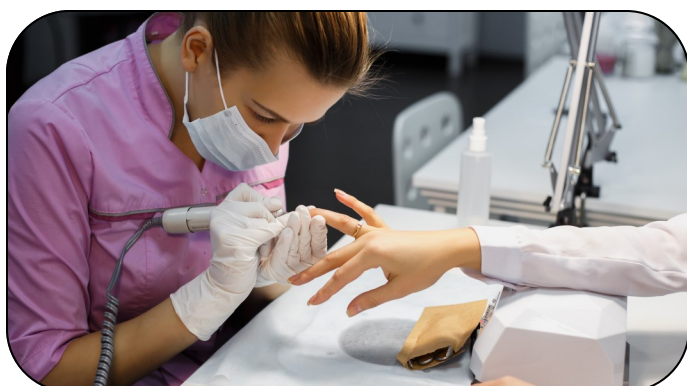
| SOURCE                    | FISCAL YEAR  |              |              |
|---------------------------|--------------|--------------|--------------|
|                           | 2021         | 2020         | 2019         |
| Claimant                  | 1,040        | 902          | 1,098        |
| Employer/Insurer          | 544          | 566          | 797          |
| Subsequent Injury Fund    | 33           | 38           | 35           |
| Uninsured Employers' Fund | 21           | 10           | 23           |
| Other Party               | 1            | 4            | 2            |
| <b>TOTAL</b>              | <b>1,639</b> | <b>1,520</b> | <b>1,955</b> |

Source: Commission Data, July 2021

**FIGURE 10 • Hearing Transcripts**

| CATEGORY               | FISCAL YEAR |       |       |
|------------------------|-------------|-------|-------|
|                        | 2021        | 2020  | 2019  |
| Non Appeal Transcripts | 989         | 985   | 1,193 |
| Appeal Transcripts     | 1,158       | 1,288 | 1,570 |

Source: Commission Data, July 2021



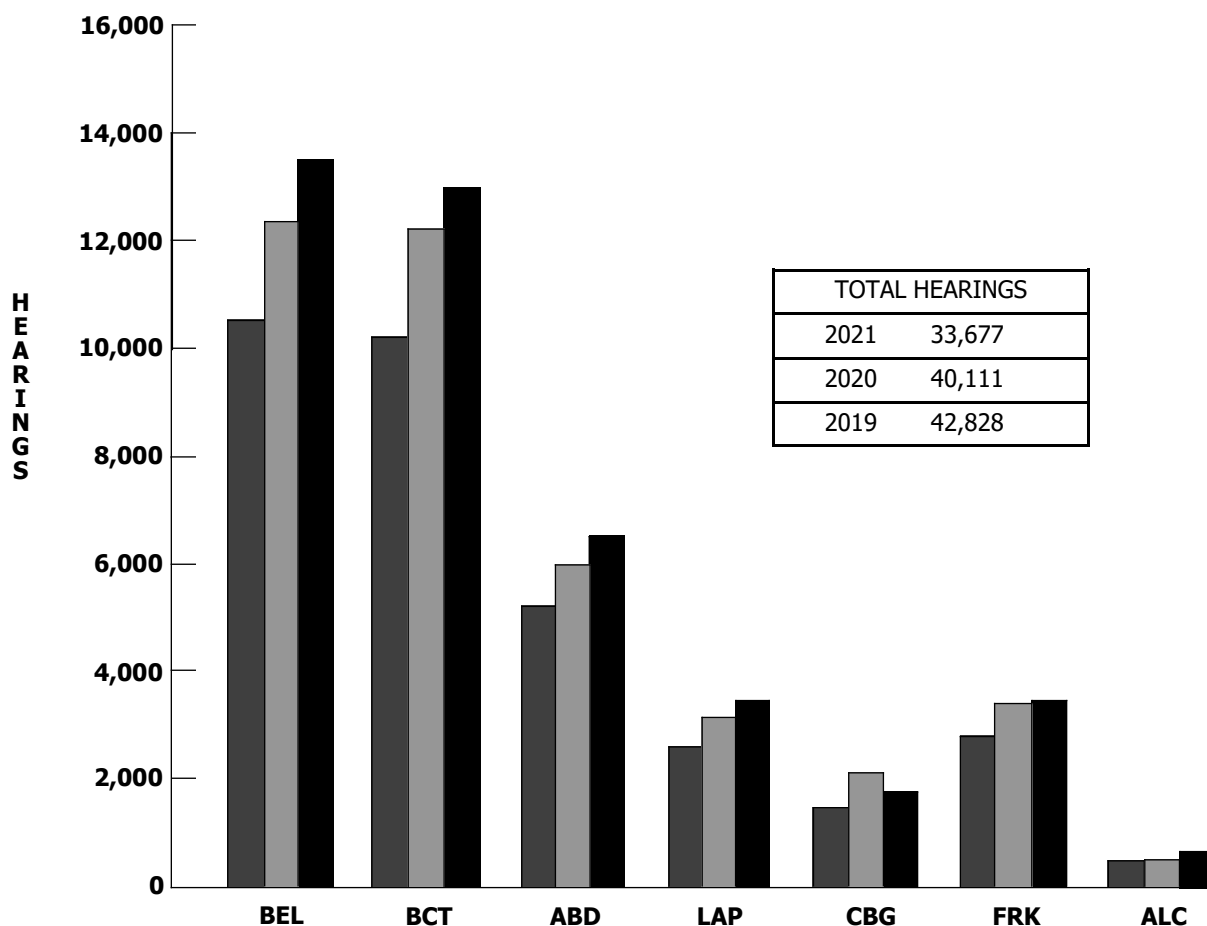
# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 11 • Source of Claims and Appeals by Political Subdivision**

| JURISDICTIONS                                | FISCAL YEAR   |              |               |              |               |              |
|----------------------------------------------|---------------|--------------|---------------|--------------|---------------|--------------|
|                                              | 2021          |              | 2020          |              | 2019          |              |
|                                              | Claims        | Appeals      | Claims        | Appeals      | Claims        | Appeals      |
| Baltimore County                             | 3,841         | 258          | 3,856         | 264          | 4,235         | 320          |
| Baltimore City                               | 2,989         | 190          | 3,110         | 166          | 3,303         | 236          |
| Prince George's County                       | 2,683         | 233          | 2,692         | 162          | 2,976         | 286          |
| Montgomery County                            | 1,884         | 155          | 2,042         | 139          | 2,247         | 214          |
| Anne Arundel County                          | 1,854         | 127          | 1,698         | 126          | 1,935         | 146          |
| Harford County                               | 943           | 76           | 888           | 57           | 942           | 97           |
| <b>SIX MAJOR METRO AREAS - COUNT</b>         | <b>14,194</b> | <b>1,039</b> | <b>14,286</b> | <b>914</b>   | <b>15,638</b> | <b>1,299</b> |
| <b>Percent of Total Filed Claims</b>         | <b>65.0%</b>  | <b>63.4%</b> | <b>65.8%</b>  | <b>60.1%</b> | <b>66.3%</b>  | <b>66.4%</b> |
| Frederick County                             | 815           | 57           | 913           | 56           | 944           | 64           |
| Washington County                            | 637           | 37           | 551           | 37           | 581           | 30           |
| Howard County                                | 587           | 40           | 635           | 28           | 731           | 40           |
| Carroll County                               | 559           | 46           | 527           | 34           | 620           | 50           |
| Charles County                               | 480           | 31           | 455           | 41           | 553           | 62           |
| Wicomico County                              | 399           | 22           | 351           | 18           | 387           | 24           |
| Calvert County                               | 344           | 29           | 362           | 30           | 357           | 33           |
| Cecil County                                 | 279           | 17           | 114           | 15           | 175           | 16           |
| St. Mary's County                            | 249           | 16           | 215           | 21           | 239           | 26           |
| Allegany County                              | 227           | 23           | 215           | 18           | 234           | 21           |
| Queen Anne's County                          | 187           | 13           | 178           | 16           | 173           | 13           |
| Dorchester County                            | 164           | 10           | 161           | 14           | 138           | 5            |
| Caroline County                              | 163           | 14           | 193           | 18           | 220           | 17           |
| Worcester County                             | 142           | 7            | 159           | 18           | 152           | 17           |
| Garrett County                               | 118           | 3            | 82            | 2            | 90            | 8            |
| Talbot County                                | 87            | 2            | 90            | 7            | 84            | 8            |
| Somerset County                              | 69            | 3            | 80            | 7            | 81            | 5            |
| Kent County                                  | 50            | 4            | 45            | 2            | 43            | 4            |
| <b>EIGHTEEN NON-METRO AREAS - COUNT</b>      | <b>5,556</b>  | <b>374</b>   | <b>5,326</b>  | <b>382</b>   | <b>5,802</b>  | <b>443</b>   |
| <b>Percent of Total Filed Claims/Appeals</b> | <b>25.4%</b>  | <b>22.8%</b> | <b>24.5%</b>  | <b>25.1%</b> | <b>24.6%</b>  | <b>22.7%</b> |
| <b>OUT OF STATE CLAIMS - COUNT</b>           | <b>2,092</b>  | <b>226</b>   | <b>2,094</b>  | <b>224</b>   | <b>2,146</b>  | <b>213</b>   |
| <b>Percent of Total Filed Claims</b>         | <b>9.6%</b>   | <b>13.8%</b> | <b>9.6%</b>   | <b>14.7%</b> | <b>9.1%</b>   | <b>10.9%</b> |
| <b>TOTAL</b>                                 | <b>21,842</b> | <b>1,639</b> | <b>21,706</b> | <b>1,520</b> | <b>23,586</b> | <b>1,955</b> |
| <b>PERCENT OF CLAIMS APPEALED</b>            |               | <b>7.5%</b>  |               | <b>7.0%</b>  |               | <b>8.3%</b>  |

Source: Commission Data, July 2021

**FIGURE 12 • Scheduled Hearing Distribution**



| REGIONAL SITES |            |                |          |          |           |           |            |
|----------------|------------|----------------|----------|----------|-----------|-----------|------------|
|                | BELTSVILLE | BALTIMORE CITY | ABINGDON | LA PLATA | CAMBRIDGE | FREDERICK | CUMBERLAND |
|                | BEL        | BCT            | ABD      | LAP      | CBG       | FRK       | ALC        |
| 2021           | 10,518     | 10,215**       | 5,414    | 2,582    | 1,518     | 2,819     | 611        |
| 2020           | 12,367     | 12,253**       | 6,001    | 3,139    | 2,225     | 3,514     | 612        |
| 2019           | 13,588     | 12,977         | 6,558    | 3,571    | 1,896     | 3,526     | 712        |

\*\*738 virtual hearings were conducted in FY2021 and 201 virtual hearings were conducted in FY2020. These are included in Baltimore City hearings for reporting purposes.

**FIGURE 13 • Interpreter Office Program Statistics**

| ITEM                            | FISCAL YEAR |       |        |
|---------------------------------|-------------|-------|--------|
|                                 | 2021        | 2020  | Change |
| Requests                        | 2,164       | 2,635 | -17.9% |
| Interpretations Provided        | 1,466       | 1,304 | 12.4%  |
| Requests Continued or Withdrawn | 698         | 1,331 | -47.6% |
| Spanish Interpretations         | 1,332       | 1,149 | 15.9%  |
| All Other Interpretations       | 134         | 155   | -13.5% |
| Percent Spanish                 | 90.9%       | 88.1% | 3.2%   |
| Number Of Languages Provided    | 29          | 31    | -6.5%  |

Source: Commission Data, July 2021

**FIGURE 14 • Vocational Rehabilitation Case Management**

| FISCAL YEAR 2021                                         |              |               |
|----------------------------------------------------------|--------------|---------------|
|                                                          | Count        | Percent       |
| <b>Return to Work</b>                                    |              |               |
| Same Employer, Same Job                                  | 871          | 58.9%         |
| Same Employer, Different Job                             | 94           | 6.3%          |
| New Employer, Same Occupation                            | 28           | 1.9%          |
| New Employer, Different Occupation                       | 205          | 13.9%         |
| Self-Employment                                          | 0            | 0.0%          |
| Medical Issues, Not Employed                             | 160          | 10.8%         |
| <b>Subtotal</b>                                          | <b>1,358</b> | <b>91.8%</b>  |
| <b>Employment Status Unknown</b>                         |              |               |
| Rehabilitation Services Declined                         | 39           | 2.6%          |
| Rehabilitation Program Dropout                           | 59           | 4.0%          |
| Claimant Moved Out of State                              | 4            | 0.3%          |
| Claimant Declined Job Offers                             | 19           | 1.3%          |
| <b>Subtotal</b>                                          | <b>121</b>   | <b>8.2%</b>   |
| <b>Total Vocational Rehabilitation Case Dispositions</b> | <b>1,479</b> | <b>100.0%</b> |

Source: Commission Data, July 2021

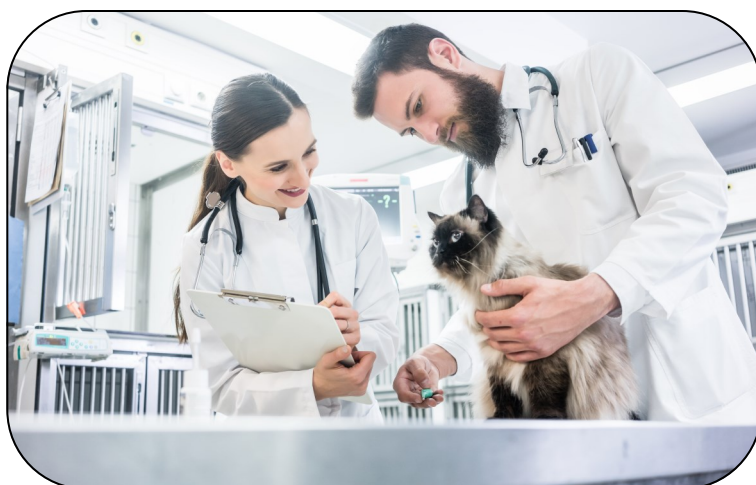
**FIGURE 15 • Self-Insurance Program**

| ITEM                                                   | FISCAL YEAR |           |           |
|--------------------------------------------------------|-------------|-----------|-----------|
|                                                        | 2021        | 2020      | 2019      |
| Individual Self-Insurers and 1 Group                   | 88          | 89        | 92        |
| Covered Self-Insured Employees <sup>(1)</sup>          | 467.0 k     | 462.0 k   | 409.0 k   |
| Covered Self-Insured Payroll <sup>(1)</sup>            | \$24.8 B    | \$27.1 B  | \$27.3 B  |
| Self-Insured Payroll as Percent of All Covered Payroll | 14.3%       | 15.9%     | 17.1%     |
| Security Held <sup>(1)</sup>                           | \$256.4 M   | \$243.4 M | \$228.8 M |
| Commission Orders <sup>(2)</sup>                       | 17          | 9         | 16        |

k = Thousand, M = Million, B = Billion

<sup>(1)</sup> Source: A-01/IC-1 Report 2018 - 2020 Note: Security includes active self-insurers only.

<sup>(2)</sup> Commission Data 2019 - 2021



# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 16 • Workers' Compensation Premium Rate Ranking**

| 2020 Ranking | 2018 Ranking | 2016 Ranking | State                | Median Index Rate | State % of Median |
|--------------|--------------|--------------|----------------------|-------------------|-------------------|
| 1            | 3            | 2            | New Jersey           | 2.52              | 175%              |
| 2            | 1            | 3            | New York             | 2.23              | 155%              |
| 3            | 9            | 14           | Vermont              | 2.21              | 153%              |
| 4            | 2            | 1            | California           | 2.16              | 150%              |
| 5            | 13           | 11           | Hawaii               | 2.08              | 144%              |
| 6            | 8            | 5            | Connecticut          | 1.99              | 138%              |
| 7            | 4            | 6            | Delaware             | 1.97              | 137%              |
| 8            | 10           | 10           | Louisiana            | 1.95              | 135%              |
| 9            | 7            | 9            | Rhode Island         | 1.93              | 134%              |
| 10           | 5            | 5            | Alaska               | 1.86              | 129%              |
| 11           | 12           | 12           | Wisconsin            | 1.74              | 121%              |
| 12           | 11           | 11           | Montana              | 1.69              | 117%              |
| 13           | 23           | 8            | Oklahoma             | 1.66              | 115%              |
| 14           | 25           | 20           | Missouri             | 1.65              | 115%              |
| 15           | 6            | 27           | Georgia              | 1.64              | 114%              |
| 16           | 19           | 14           | Maine                | 1.62              | 113%              |
| 17           | 28           | 22           | Minnesota            | 1.61              | 112%              |
| 19           | 21           | 28           | Idaho                | 1.56              | 108%              |
| 19           | 14           | 14           | South Carolina       | 1.56              | 108%              |
| 20           | 17           | 26           | Pennsylvania         | 1.55              | 108%              |
| 21           | 30           | 24           | Iowa                 | 1.54              | 107%              |
| 22           | 16           | 15           | Washington           | 1.53              | 106%              |
| 23           | 24           | 32           | South Dakota         | 1.48              | 103%              |
| 24           | 22           | 8            | Illinois             | 1.46              | 101%              |
| 26           | 16           | 23           | Wyoming              | 1.44              | 100%              |
| 26           | 27           | 32           | Nebraska             | 1.44              | 100%              |
| 27           | 21           | 33           | Florida              | 1.41              | 98%               |
| 28           | 27           | 17           | New Hampshire        | 1.37              | 95%               |
| 29           | 34           | 20           | New Mexico           | 1.34              | 93%               |
| 30           | 29           | 25           | Alabama              | 1.33              | 92%               |
| 31           | 19           | 22           | North Carolina       | 1.31              | 91%               |
| 32           | 41           | 47           | Virginia             | 1.28              | 89%               |
| 33           | 35           | 35           | Colorado             | 1.25              | 87%               |
| 34           | 31           | 29           | Mississippi          | 1.20              | 83%               |
| 35           | 38           | 44           | Massachusetts        | 1.17              | 81%               |
| 37           | 37           | 34           | Michigan             | 1.14              | 79%               |
| <b>37</b>    | <b>39</b>    | <b>38</b>    | <b>Maryland</b>      | <b>1.14</b>       | <b>79%</b>        |
| 38           | 33           | 30           | Kentucky             | 1.13              | 78%               |
| 39           | 46           | 41           | Kansas               | 1.12              | 78%               |
| 40           | 36           | 40           | Ohio                 | 1.11              | 77%               |
| 41           | 32           | 30           | Tennessee            | 1.09              | 76%               |
| 42           | 44           | 43           | Nevada               | 1.07              | 74%               |
| 43           | 40           | 38           | Arizona              | 1.05              | 73%               |
| 44           | 42           | 42           | District of Columbia | 1.04              | 72%               |
| 45           | 46           | 45           | Oregon               | 1.00              | 69%               |
| 46           | 43           | 40           | Texas                | 0.98              | 68%               |
| 47           | 47           | 46           | Utah                 | 0.85              | 59%               |
| 48           | 48           | 48           | West Virginia        | 0.79              | 55%               |
| 49           | 50           | 50           | Indiana              | 0.77              | 53%               |
| 50           | 49           | 49           | Arkansas             | 0.72              | 50%               |
| 51           | 51           | 51           | North Dakota         | 0.67              | 47%               |

Source: Research and Analysis Section, Oregon Department of Consumer and Business Services (Rev. 10/2020)

Notes: 1. Starting with the 2008 study, when two or more states' Index Rate are the same, they now are assigned the same ranking.

# MARYLAND WORKERS' COMPENSATION COMMISSION

**FIGURE 17 • Licensed Insurers Writing Workers' Compensation Insurance**

| Fiscal Year | Licensed Insurers <sup>(1)</sup> | Licensed Insurers Billed | Percentage of Licensed WC Insurers |
|-------------|----------------------------------|--------------------------|------------------------------------|
| <b>2021</b> | 667                              | 342                      | 51.3%                              |
| <b>2020</b> | 659                              | 342                      | 51.9%                              |
| <b>2019</b> | 721                              | 336                      | 46.6%                              |

Source: Commission Data, July 2021

<sup>(1)</sup> Includes Self-Insurers

**FIGURE 18 • Insurer Assessments, Safety/Fraud Costs and Commission Expenses**

| Fiscal Year | Assessment Base Insured Payroll | Total Insurer Assessments | Safety and Fraud Program Cost | WCC Cost     | Assessment per \$1000 of Payroll |
|-------------|---------------------------------|---------------------------|-------------------------------|--------------|----------------------------------|
| <b>2021</b> | \$150,445,568,579               | \$31,012,070              | \$13,029,421                  | \$18,244,138 | 0.206                            |
| <b>2020</b> | \$130,534,710,479               | \$31,015,543              | \$12,693,830                  | \$18,321,713 | 0.239                            |
| <b>2019</b> | \$126,224,923,601               | \$28,002,836              | \$11,345,628                  | \$16,657,208 | 0.221                            |

Source: Commission Data, July 2021

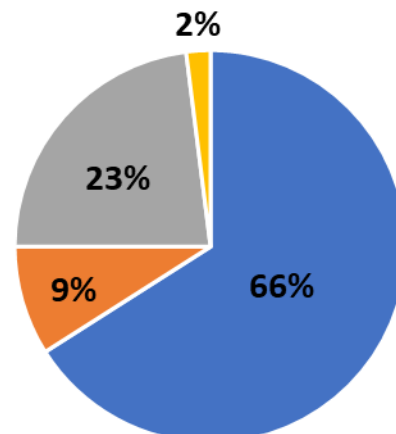
## REVENUES/EXPENDITURES

The Commission collects an assessment from licensed workers' compensation insurers and self-insurers for the operating budget of the Commission as well as the Occupational Safety and Health Program and the Workplace Fraud Act within the Department of Labor, Licensing and Regulation (DLLR). During this fiscal year, \$31,012,070 was assessed and collected with \$13,029,421 being transferred to DLLR for its safety program and workplace fraud initiative. The remaining funds were retained in the Workers' Compensation Fund and were disbursed as Commission operating expenditures as appropriated. The fiscal year 2021

Legislative Appropriation for the Commission's operating expenditures totaled \$19,138,174. Approximately 66 percent of this budget provided for the Commission's allotment of 115.0 full-time equivalent permanent position salaries and 11.25 full-time equivalent contractual position salaries, 9 percent for fixed costs to include lease agreements and lease escalations, 21 percent for contractual services to include computer software and hardware maintenance contracts, 2 percent for communications and postage, and 2 percent for travel expenses, supplies and equipment.

### WCC Expenditures

- **Salaries/Benefits**
- **Contractual Services**  
*lease agreements, insurance, utilities*
- **Fixed Costs**  
*computer maintenance, postage, and communications*
- **Supplies/Equipment**  
*travel expenses, supplies, and equipment*



## **REGULATORY/LEGAL UPDATE**

### **Legislation**

**HB0085/CH0199**

**SB0651/CH0200**

**Baltimore County—Workers' Compensation—  
Permanent Partial Disability—Detention and  
Correctional Officers**

These Acts provide for enhanced workers' compensation benefits for Baltimore County correctional officers and Baltimore County detention officers for compensable permanent partial disability benefits.

(Effective: 10/1/21)



### **Regulatory Updates**

**14.09.01 - General Administrative**

**.01, .02, .04, and .09**

**14.09.02 - Requirements for Filing and Amending  
Claims**

**.02**

**14.09.04 - Legal; Representation and Fees**

**.01**

These Regulations were amended to facilitate migration from legacy system WFMS to CompHub by updating WFMS references to CompHub; to simplify the regulation regarding roles for subscribers to CompHub to require that subscribers adhere to the terms of service assigned to their designated roles; to clarify that “papers” filed electronically need not be on physical paper, and to use the term “paper” as that term is used in the Maryland Rules; to permit filing by power of attorney in CompHub and to ensure that the power of attorney form meets statutory requirements; and to bring the regulation concerning terminating the appearance of an attorney into alignment with the practice in civil matters before the District Court of Maryland (see Md. Rule 3-132), while recognizing that claims under the Maryland Workers’ Compensation Law never “close” unless they are settled and there is no possibility of future medical benefits.

(Effective: 8/24/20)

**14.09.17 - Emergency Powers of Chairman of the  
Commission**

**.01—.03**

This new Regulation was adopted for the purpose of granting authority to the Chairman of the Workers’ Compensation Commission to direct and coordinate the Commission’s response in the event of a natural or other event, for which either the Governor has declared a Statewide emergency pursuant to Public Safety Article, Title 14, Annotated Code of Maryland, or a local state of emergency exists that significantly disrupts access to or the operations of one or more Commission hearing locations or other Commission facilities or the ability of the Commission to operate effectively.

(Effective: 7/16/20)

**Appellate Opinions**

**Tyson Farms, Inc., et al. v. Uninsured Employers' Fund**

471 Md. 386

Court of Appeals held that Court of Special Appeals erred in concluding, as a matter of law, that chicken farm owner and company that provided chickens were co-employers of farm worker at time that he was injured and erred in reversing trial court's judgment. Court of Appeals determined that trial court properly denied motion for judgment, as evidence adduced at trial was susceptible to differing reasonable inferences, including inference that company did not exercise control over worker necessary to be deemed co-employer and thus was not co- employer of worker. Court of Appeals concluded that there was sufficient evidence from which reasonable juror could find—as jury did—that company was not co-employer of worker.

**Montgomery County, Maryland v. Fernando Rios**

244 Md.App. 629

Appellant argued that when a claimant filed a request for modification of his workers' compensation award, alleging permanent partial disability, less than one month before the expiration of the statute of limitation, without first obtaining a medical evaluation for permanent impairment as required by COMAR 14.09.09.02B (he obtained the medical evaluation prior to the hearing but after the statute of limitations had expired), the filing was barred by the statute of limitations. The Commission held that the issue was not time-barred and the Circuit Court affirmed. The CSA also affirmed.

**Board of Education of Harford County, et al. v. Linda A. Sanders**

Court of Special Appeals, Case No. 111

September Term, 2020

Opinion by Berger, J. (March 31, 2021)

Where a party requests that the Workers' Compensation Commission reopen her claim, a refusal to reopen is not subject to judicial review. So long as the Workers' Compensation Commission does not consider the merits of a claimant's argument or rely on new evidence in the issuance of a new or amended order, its previous decision stands unimpeached as of its original date. The trial court erred in denying a party's motion to dismiss a petition for judicial review of the Workers' Compensation Commission decision to summarily deny a party's request to reopen her claim.

## COMMITTEES

### **Maryland General Assembly Workers' Compensation Benefit and Insurance Oversight Committee**

Chapters 590 and 591 of the Acts of 1987 established the Maryland General Assembly Workers' Compensation Benefit and Insurance Oversight Committee. Chapter 5 of the Acts of 2011 expanded the membership to include a representative from a self-insured local government entity. The Oversight Committee was developed to:

- Examine and evaluate the condition of the workers' compensation benefit and insurance structure in Maryland and the impact these laws have on that structure.
- Review, with respect to adequacy and appropriateness, the changes made to the permanent partial benefits laws and make recommendations for necessary changes.
- Report to the Governor and the Legislative Policy Committee on December 31 of each year.
- Monitor, review and comment on salient workers' compensation issues for the Maryland Legislature.

The Oversight Committee membership includes representatives from the legislative, medical, legal, labor, business, insurance, rehabilitation sectors, and self-insured local government, as well as the general public. The Committee is co-chaired by an appointed State Senator and a House of Delegates member.

#### **2021 Committee Roster**

Katherine A. Klausmeier, Senate Chair  
Kriselda Valderrama, House Chair  
Senator Brian J. Feldman  
One Vacancy

**Representative of Maryland Business Community:**  
Mary Anne Reuschling

**Representative of the Maryland Labor Organization:**  
Hank Sorenson

**Representative of Maryland Building and Construction Labor Organization:**  
Thomas W. Hayes

**Two Members of the Public:**  
Debora Fajer-Smith  
Michael G. Comeau

**Member of the Insurance Industry:**  
Thomas J. Phelan

**Member of a Workers' Compensation Rating Organization:**  
David Benedict

**Member of Medical and Chirurgical Faculty of Maryland:**  
Gary W. Pushkin M.D.

**Members of the Bar:**  
Rudolph L. Rose, Defense Lawyer  
P. Matthew Darby, Plaintiff Lawyer  
**Maryland Certified Rehabilitation Service Provider:**  
Jody Malcolm

**Self-Insured Local Government Entity**  
Ronald J. Travers

**Workers' Compensation Commission—Ex Officio:**  
Maureen Quinn

#### **Committee Staff:**

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Richard Duncan • [richard.duncan@mlis.state.md.us](mailto:richard.duncan@mlis.state.md.us)  
Department of Legislative Services

### **Governor's Advisory Committee on Budget of State Workers' Compensation Commission**

Pursuant to the requirements of Labor and Employment Article §§ 9-317 and 9-318, a Budget Advisory Committee was established to review the annual proposed operating budget of the Workers' Compensation Commission and make recommendations to the Commission. The Budget Advisory Committee will perform this review and make its recommendations by November 1 of each year. The Committee submits its annual report and recommendations to the Governor and Legislature by December 1 of each year. A meeting of the Committee was held virtually on October 6, 2020.

#### **2021 Committee Roster**

|                               |                                 |
|-------------------------------|---------------------------------|
| Heather H. Kraus, Esq., Chair | Melinda L. Hayes, MS, CRC, CDMS |
| Nathan J. Cavey, Jr.          | Mary C. Larkin                  |
| Michael G. Comeau, Esq.       | Adrienne M. Ray                 |
| Carmine G. D'Alessandro, Esq. | Patrick A. Roberson, Esq.       |
| Sandra I. Dorsey              | Lisa Yvette Settles, Esq.       |
| Kevin P. Foy, Esq.            | Matthew D. Trollinger, Esq.     |

## **COMMITTEES**

### **Advisory Committee on the Registration of Rehabilitation Practitioners**

The Advisory Committee on the Registration of Rehabilitation Practitioners was formed by the workers' compensation commission in 1997. The Committee's role is to review, evaluate and provide recommendations to the Commission regarding a vocational rehabilitation practitioner's application where questions or clarifications are needed. Members are appointed to a three-year term by the Workers' Compensation Commission. The Committee consists of seven members who are certified rehabilitation practitioners (Labor and Employment Article, Section 9-6A-05).

#### **2021 Committee Roster**

Janet Spry, Ph.D., CRC, LPC, MCRSP

*Committee Chair*

Susan Budden, MS, CRC, MCRSP

Mary Sevinsky, MS, CRC, CCM, MCRSP

Kathy M. Stone, MS, CDMS, CCM, MCRSP

Carole Stole-Upman, MA, RN, CCM, CRC, CDMS,  
CNLCP, WCCM, MCRSP

Cathryn Winslow, RN, WCCM, MCRSP

One Vacancy

### **Medical Fee Guide Revision Committee**

The Medical Fee Guide Revision Committee (MFGRC) was established in response to Labor and Employment Article § 9-663(b)(3). It reviews medical and surgical fees for completeness and reasonableness as well as provides a forum for discussing the fee guide. Recommendations are then made to the full Commission. The MFGRC, whose membership consists of an equal number of payers and receivers of workers' compensation medical benefits, engages in an ongoing analysis of reimbursement rates and recommends modifications to the Commission. In 2008, the Medical Fee Guide was fully incorporated into COMAR and was updated to include an annual adjustment factor that will help reimbursement rates stay current.

#### **2021 Committee Roster**

Commissioner Allan Kittleman, Committee Chair

Jerome P. Reichmister, M.D., Physician Adviser, WCC

Janet Vanderpuije, Committee Secretary, WCC

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Antonio R. Lopez, Esq.

Rudolph Rose, Esq.

Craig J. Ross, M.D.

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