

that would be due for the combined effects of the impairment and subsequent injury resulting in permanent total disability or a substantially greater permanent partial disability.

Benefits from the Subsequent Injury Fund hereunder shall not be payable unless the combined effects resulting from a previous impairment and a subsequent accidental injury result in a permanent disability exceeding 50 per centum (50%) of the body as a whole.

If the subsequent injury of such an employee shall result in the death of the employee and it shall appear that death was due in part to the previous impairment and in part to the subsequent accidental injury, the Commission shall determine the proportion of such death which is reasonably attributable to the subsequent accidental injury and the proportion thereof which is reasonably attributable to the previous impairment, and the employer or his insurance carrier, or the State Accident Fund shall be liable for the compensation payable for that proportion of the employee's death which is reasonably attributable to the subsequent accidental injury, and the Subsequent Injury Fund shall be liable for the balance of benefits payable as in death cases resulting solely from an accidental injury.

WHENEVER THE STATE ACCIDENT FUND, INSURANCE CARRIER OR SELF-INSURED EMPLOYER MAKES A SUPPLEMENTAL ALLOWANCE PAYMENT UNDER SECTION 36(10) OF THIS ARTICLE, HE SHALL BE REIMBURSED FROM THE SUBSEQUENT INJURY FUND. THE STATE ACCIDENT FUND, INSURANCE CARRIER OR SELF-INSURED EMPLOYER SHALL ANNUALLY, ON OR BEFORE JUNE 1 OF EACH YEAR, FILE WITH THE WORKMEN'S COMPENSATION COMMISSION, FOR SUBMISSION TO THE TREASURER OF THE STATE OF MARYLAND, A REPORT ON A FORM PRESCRIBED BY THE WORKMEN'S COMPENSATION COMMISSION, SETTING FORTH THE MONEY EXPENDED FOR THE PAYMENT OF ALL SUPPLEMENTAL ALLOWANCES MADE DURING THE PREVIOUS CALENDAR YEAR OR A PORTION THEREOF. THE WORKMEN'S COMPENSATION COMMISSION SHALL AUDIT THESE REPORTS BEFORE SUBMISSION TO THE TREASURER TO DETERMINE THEIR VALIDITY. THE TREASURER SHALL REIMBURSE THE STATE ACCIDENT FUND, INSURANCE CARRIER OR SELF-INSURED EMPLOYER ANNUALLY, ON OR BEFORE THE 1ST OF AUGUST OF EACH YEAR, FROM THE SUBSEQUENT INJURY FUND ONLY UPON WRITTEN ORDER OF THE WORKMEN'S COMPENSATION COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 24, 1973.

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