

## 7-604. PERIODIC EXAMINATION.

THE APPOINTING AUTHORITY MAY REQUIRE AN EMPLOYEE ON WORK-RELATED ACCIDENT LEAVE TO BE EXAMINED PERIODICALLY BY A PHYSICIAN SELECTED BY THE APPOINTING AUTHORITY TO DETERMINE THE EMPLOYEE'S PROGRESS AND THE LENGTH OF TIME NECESSARY FOR THE EMPLOYEE'S RECOVERY.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of former Art. 64A, § 37(g)(2).

It is revised to clarify that the "appointing authority" is the individual authorized to require the employee to be examined by a physician "selected by the appointing authority". This revision conforms to long-standing Departmental understanding and administrative practice and to COMAR 06.01.11.09D(2).

Defined term: "Appointing authority" § 1-101

## 7-605. SICK PAY.

(A) AS SEPARATE BENEFIT.

PAYMENT FOR WORK-RELATED ACCIDENT LEAVE TAKEN UNDER THIS SUBTITLE CONSTITUTES A SEPARATE BENEFIT ON ACCOUNT OF ACCIDENTAL DISABILITY AND IS NOT A CONTINUATION OF SALARY.

(B) EFFECT OF RECEIVING SICK PAY.

AN EMPLOYEE MAY NOT RECEIVE TEMPORARY TOTAL DISABILITY BENEFITS UNDER THE MARYLAND WORKERS' COMPENSATION ACT WHILE THE EMPLOYEE IS RECEIVING PAYMENT UNDER THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 64A, § 37(g)(3) and, as it related to leave under this subtitle, § 37(h).

## 7-606. SUBROGATION.

(A) STATE AS SUBROGEE.

IF SOMEONE OTHER THAN THE EMPLOYEE OR THIS STATE CAUSES AN INJURY FOR WHICH WORK-RELATED ACCIDENT LEAVE IS TAKEN UNDER THIS SUBTITLE, THIS STATE, AS EMPLOYER, AFTER GIVING WRITTEN NOTICE TO THE EMPLOYEE, IS SUBROGATED TO THE RIGHTS OF THE EMPLOYEE TO THE EXTENT OF ANY COMPENSATION PAID OR OWED UNDER THIS SUBTITLE.

(B) STATE MAY BRING ACTION.