

9-608. OCCUPATIONAL DISEASE — PARTIAL CAUSE OF DEATH OR DISABILITY.

(A) DETERMINATION OF PERCENTAGE OF CONTRIBUTION.

THE COMMISSION SHALL DETERMINE THE PERCENTAGE THAT AN OCCUPATIONAL DISEASE CONTRIBUTED TO THE DEATH OR DISABILITY OF A COVERED EMPLOYEE WHEN:

(1) THE OCCUPATIONAL DISEASE IS AGGRAVATED BY ANOTHER DISEASE OR INFIRMITY THAT IS NOT COMPENSABLE; OR

(2) THE OCCUPATIONAL DISEASE ACCELERATES, AGGRAVATES, PROLONGS, OR IN ANY WAY CONTRIBUTES TO A DISABILITY OR DEATH FROM A CAUSE THAT IS NOT COMPENSABLE.

(B) REDUCTION OF COMPENSATION.

(1) THE COMPENSATION PAYABLE SHALL BE REDUCED TO THE PERCENTAGE OF THE COMPENSATION THAT EQUALS THE PERCENTAGE THAT THE OCCUPATIONAL DISEASE CONTRIBUTED TO THE DEATH OR DISABILITY, AS DETERMINED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION.

(2) AS MAY BE IN THE BEST INTEREST OF THE COVERED EMPLOYEE UNDER THE CIRCUMSTANCES OF THE CASE, THE COMMISSION SHALL REDUCE THE COMPENSATION TO THE PERCENTAGE REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION BY REDUCING:

(I) THE NUMBER OF WEEKLY OR MONTHLY PAYMENTS;  
OR

(II) THE AMOUNT OF THE PAYMENTS.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 22(c).

In subsection (b)(1) of this section, the word "limited" is deleted as unnecessary in light of the word "reduced".

Also in subsection (b)(1) of this section, the language "the percentage of the compensation that equals the percentage that the occupational disease contributed to the death or disability, as determined by the Commission under subsection (a) of this section" is substituted for the former language "such proportion only of the compensation that would be payable if the occupational disease were the sole cause of the disability or death as such occupational disease, as a causative factor, bears to all the causes of such disability or death", for brevity and clarity.