

(C) REOPENING.

IF A COVERED EMPLOYEE RECEIVES ADDITIONAL COMPENSATION FOR A DISABILITY ON A PETITION TO REOPEN FOR SERIOUS DISABILITY, THE ADDITIONAL COMPENSATION MAY NOT INCREASE THE AMOUNT OF COMPENSATION PREVIOUSLY AWARDED AND PAID.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(3)(a)(iii).

- In subsection (a)(1)(ii) of this section, the reference to "the employer or its insurer" is added to clarify that the employer or its insurer is responsible for paying compensation under this title and to conform to other provisions of this subtitle.

Also in subsection (a)(1)(ii) of this section, the phrase "as determined by the Department of Economic and Employment Development", which formerly modified "the average weekly wage of the State of Maryland", is deleted as unnecessary in light of § 9-603 of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that it is unclear whether the award of 250 weeks for an occupational disease must come from 1 recognized occupational disease or from 1 injurious exposure to the hazards of an occupational disease. A covered employee may have an injurious exposure, contract an occupational disease, and obtain an award of compensation while working for 1 employer. The covered employee may then become employed by another employer, have a second injurious exposure, and have a further occurrence of the same occupational disease. It is unclear whether any award of compensation for the further occurrence of the occupational disease caused by the second injurious exposure can be added to the original award to qualify for serious disability. The General Assembly may wish to consider clarifying whether the award of 250 weeks for an occupational disease must come from 1 recognized occupational disease or from 1 injurious exposure to the hazards of an occupational disease.

Defined terms: "Commission" § 9-101

"Compensation" § 9-101 "Covered employee" § 9-101

9-631. BENEFITS ADDITIONAL.

COMPENSATION FOR A PERMANENT PARTIAL DISABILITY UNDER THIS PART IV OF THIS SUBTITLE SHALL BE PAID IN ADDITION TO AND CONSECUTIVELY WITH COMPENSATION FOR A TEMPORARY TOTAL DISABILITY UNDER PART III OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(3)(k).

Defined term: "Compensation" § 9-101