

Defined terms: "Commission" § 9-101

"Covered employee" § 9-101

9-653. RESERVED.

9-654. RESERVED.

PART VIII. PERMANENT DISABILITY DUE IN PART TO
PREEXISTING DISEASE OR INFIRMITY.

9-655. SCOPE OF PART.

THIS PART VIII OF THIS SUBTITLE DOES NOT APPLY TO:

- (1) A TEMPORARY PARTIAL DISABILITY;
- (2) A TEMPORARY TOTAL DISABILITY; OR

(3) A DISABILITY WHERE THE COMBINED EFFECTS RESULTING FROM A PREVIOUS IMPAIRMENT THAT MEETS THE REQUIREMENTS OF § 9-802(B)(1) OF THIS TITLE AND A SUBSEQUENT ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE RESULT IN A PERMANENT DISABILITY EXCEEDING 50% OF THE BODY AS A WHOLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second and third sentences of former Art. 101, § 36(6).

In item (3) of this section, the phrase "that meets the requirements of" is substituted for the former phrase "as defined in" since former Art. 101, § 66(1) did not define "previous impairment" but set requirements that a previous impairment must meet for a covered employee to receive compensation from the Subsequent Injury Fund.

Defined terms: "Accidental injury" § 9-101

"Occupational disease" § 9-101

9-656. APPORTIONMENT.

(A) DETERMINATION BY COMMISSION.

IF IT APPEARS THAT A PERMANENT DISABILITY OF A COVERED EMPLOYEE FOLLOWING AN ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE IS DUE PARTLY TO THE ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE AND PARTLY TO A PREEXISTING DISEASE OR INFIRMITY, THE COMMISSION SHALL DETERMINE:

(1) THE PROPORTION OF THE DISABILITY THAT IS REASONABLY ATTRIBUTABLE TO THE ACCIDENTAL INJURY OR OCCUPATIONAL DISEASE; AND

(2) THE PROPORTION OF THE DISABILITY THAT IS REASONABLY ATTRIBUTABLE TO THE PREEXISTING DISEASE OR INFIRMITY.