

SUBTITLE 8. SUBSEQUENT INJURIES.

9-801. STATEMENT OF INTENT.

WHEN A COVERED EMPLOYEE HAS A PERMANENT IMPAIRMENT, SUFFERS A SUBSEQUENT ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA RESULTING IN PERMANENT PARTIAL OR PERMANENT TOTAL DISABILITY, AND OTHERWISE MEETS THE REQUIREMENTS OF THIS SUBTITLE, IT IS THE INTENT OF THIS SUBTITLE THAT THE TOTAL COMPENSATION TO WHICH THE COVERED EMPLOYEE IS ENTITLED EQUAL THE AMOUNT OF COMPENSATION THAT WOULD BE PAYABLE FOR THE COMBINED EFFECTS OF:

- (1) THE PREVIOUS IMPAIRMENT; AND
- (2) THE SUBSEQUENT ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA.

REVISOR'S NOTE: This section is new language derived without substantive change from the second clause of the second sentence of former Art. 101, § 66(1) and § 22(a), as that subsection related to providing that a covered employee who is disabled due to an occupational disease is entitled to the same compensation as a covered employee who is disabled due to an accidental injury.

The introductory phrase is added to clarify the former reference to "such employee".

The reference to a "compensable hernia" is added to reflect that the scope of the workers' compensation law has been expanded to include certain hernias.

The former phrase "resulting in permanent total disability or a substantially greater permanent partial disability" is deleted as unnecessary in light of the phrases "resulting in permanent partial or permanent total disability" and "otherwise meets the requirements of this subtitle".

Defined terms: "Accidental injury" § 9-101

"Covered employee" § 9-101

"Occupational disease" § 9-101

9-802. COMPENSATION FROM SUBSEQUENT INJURY FUND — PERMANENT DISABILITY.

(A) LIMITATION ON LIABILITY OF EMPLOYER AND INSURER.

IF A COVERED EMPLOYEE HAS A PERMANENT IMPAIRMENT AND SUFFERS A SUBSEQUENT ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA RESULTING IN PERMANENT PARTIAL OR PERMANENT TOTAL DISABILITY THAT IS SUBSTANTIALLY GREATER DUE TO THE COMBINED EFFECTS OF THE PREVIOUS IMPAIRMENT AND THE SUBSEQUENT OCCURRENCE THAN IT WOULD HAVE BEEN FROM THE