

In subsection (a) of the section, the former phrase "for which compensation is required by this article", is deleted as unnecessary in light of the phrase "for the compensation payable under this title".

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Compensation" § 9-101

"Covered employee" § 9-101

"Occupational disease" § 9-101

#### 9-803. SAME — DEATH.

##### (A) DETERMINATION BY COMMISSION.

IF A COVERED EMPLOYEE WHO HAS A PERMANENT IMPAIRMENT DUE TO A PREVIOUS ACCIDENT, DISEASE, OR CONGENITAL CONDITION THAT IS OR IS LIKELY TO BE A HINDRANCE OR OBSTACLE TO THE EMPLOYMENT OF THE COVERED EMPLOYEE DIES DUE IN PART TO THE PREVIOUS IMPAIRMENT AND IN PART TO A SUBSEQUENT ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA, THE COMMISSION SHALL DETERMINE THE PORTION OF DEATH THAT IS REASONABLY ATTRIBUTABLE TO:

(1) THE PREVIOUS IMPAIRMENT; AND

(2) THE SUBSEQUENT ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA.

##### (B) LIABILITY OF EMPLOYER OR INSURER.

THE EMPLOYER OR ITS INSURER IS LIABLE FOR THE COMPENSATION PAYABLE FOR THE PORTION OF THE DEATH OF THE COVERED EMPLOYEE THAT IS REASONABLY ATTRIBUTABLE TO THE SUBSEQUENT ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA.

##### (C) LIABILITY OF SUBSEQUENT INJURY FUND.

THE SUBSEQUENT INJURY FUND IS LIABLE FOR THE REMAINDER OF THE COMPENSATION PAYABLE AS IN CASES OF DEATH RESULTING SOLELY FROM AN ACCIDENTAL INJURY, OCCUPATIONAL DISEASE, OR COMPENSABLE HERNIA.

REVISOR'S NOTE: This section is new language derived without substantive change from the fifth 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.