

In the introductory language of subsection (a) of this section, the reference to "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 employment" is substituted for the former reference to "such an employee", for clarity.

Throughout this section, the references to a "compensable hernia" are added to reflect that the scope of the workers' compensation law has been expanded to include certain hernias.

In subsection (b) of this section, the term "insurer" is substituted for the former terms "insurance carrier" and "Injured Workers' Insurance Fund", for brevity.

Defined terms: "Accidental injury" § 9-101

"Commission" § 9-101 "Covered employee" § 9-101

"Occupational disease" § 9-101

9-804. AWARDS.

(A) FINDINGS BY COMMISSION.

IN AN AWARD AGAINST THE SUBSEQUENT INJURY FUND, THE COMMISSION SHALL FIND SPECIFICALLY:

(1) THE AMOUNT OF THE WEEKLY PAYMENTS TO THE COVERED EMPLOYEE;

(2) THE NUMBER OF WEEKS OF COMPENSATION TO BE PAID;

(3) THE DATE WHEN THE SUBSEQUENT INJURY FUND SHALL BEGIN PAYMENTS; AND

(4) IF POSSIBLE, THE PERIOD FOR WHICH PAYMENTS ARE TO CONTINUE.

(B) DEDUCTION FOR PRIOR AWARD.

(1) WHEN THE COMMISSION MAKES AN AWARD AGAINST THE SUBSEQUENT INJURY FUND, IF THE PRIOR PERMANENT DISABILITY CONTRIBUTES TO THE COVERED EMPLOYEE'S CURRENT PERMANENT DISABILITY, THE COMMISSION SHALL DEDUCT FROM THE AWARD THE AMOUNT OF ALL PRIOR PERMANENT DISABILITY PAYMENTS AWARDED TO THE COVERED EMPLOYEE UNDER:

(I) EACH PRIOR AWARD FOR PERMANENT DISABILITY MADE BY THE COMMISSION OR A SIMILAR UNIT IN ANOTHER STATE; OR

(II) ANY PRIOR FINAL COMPROMISE AND SETTLEMENT AGREEMENT APPROVED BY THE COMMISSION OR A SIMILAR UNIT IN ANOTHER STATE.