

Maryland Workers' Compensation Commission



**Annual Report
Fiscal Year 2010**

**Martin O'Malley, Governor • Anthony G. Brown, Lt. Governor
R. Karl Aumann, Chairman • Mary K. Ahearn, Executive Director**

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LETTER FROM THE CHAIRMAN

On behalf of the Commissioners and staff of the Maryland Workers' Compensation Commission, I am pleased to provide you with our annual report. In light of the wealth of information contained in this publication, I hope you will take some time to read it and become more familiar with the data and trends relating to our agency and its work. It is an excellent guide to learning more about workers' compensation in our state.

I continue to be encouraged by the progress in the administration and implementation of services to every stakeholder – claimants, attorneys, health care providers, employers, insurers and vocational rehabilitation specialists. We regularly meet with our colleagues from other states to learn more about what is happening around the country and to determine if there are approaches we might adopt to improve the system in Maryland. These meetings confirm that we remain on the cutting edge of administering and adjudicating claims while providing the fairness and responsiveness injured workers and their employers deserve. I applaud the efforts and cooperation of everyone involved in the workers' compensation community for this success. In particular, I am especially proud of our staff, whose dedication and expertise make our accomplishments possible.

The steadfast support we receive from the General Assembly and the governor is greatly appreciated. We are also fortunate to have wonderful partners in the Legislative Oversight Committee, the Budget Advisory Committee and the Maryland Workers' Compensation Educational Association. All contribute to an efficient and excellent system and I look forward to building on the bedrock foundation established through decades of hard work.

My thanks and best regards go to all who help make our workers' compensation system the national model it has become. I remain,

Sincerely yours,

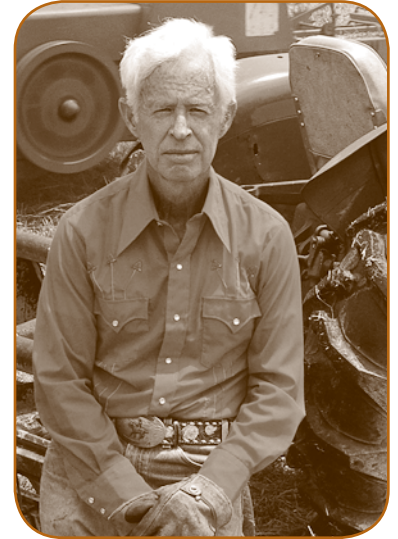
R. Karl Aumann

MISSION

The Maryland Workers' Compensation Commission seeks to secure the equitable and timely administration of the provisions of the Maryland Workers' Compensation law on behalf of its customers, the injured workers and their employers, by providing an efficient forum for the resolution of individual claims.

VISION

The Workers' Compensation Commission envisions a state wherein injured workers and employers are empowered to create an equitable partnership to facilitate prompt and fair resolution of workers' compensation matters.



BIOGRAPHIES

R. Karl Aumann, *Chairman*



Appointed Commissioner of the Workers' Compensation Commission in February 2005, R. Karl Aumann was subsequently named Chairman in October 2005 by Governor Robert L. Ehrlich, Jr. Immediately prior to this appointment, he served as Maryland's Secretary of State. Chairman Aumann earned a Bachelor of Arts in political science from Loyola University Maryland in 1982. He received his J.D. in 1985 from the University of Baltimore School of Law and was admitted to the Maryland Bar in 1986. He was an associate with the Towson firm of Power & Mosner and later with the Baltimore office of Miles & Stockbridge. In 1991, President George H. W. Bush appointed him Counsel and Senior Policy Advisor

to the Appalachian Regional Commission. From 1994 until 2003, Chairman Aumann served as Chief Administrator and District Director in the Congressional office of then-Representative Ehrlich.

Chairman Aumann is currently president of the Southern Association of Workers' Compensation Administrators and is on the board of directors of the National Association of Workers' Compensation Judiciary. He represents the Commission and is an active member of the International Association of Industrial Accident Boards and Commissions and the Maryland Workers' Compensation Educational Association.

Mary K. Ahearn, *Executive Director of Administration*



Mary K. Ahearn was appointed Executive Director of Administration of the Maryland Workers' Compensation Commission in 2003. She graduated summa cum laude from the College of Notre Dame with a Bachelor of Arts in business with a dual emphasis in management and human resource management. She was a member of the national graduate honor societies Kappa Gamma Pi and Delta Mu Delta. She is a past president of the Southern Association of Workers' Compensation Administrators, has

completed the course of study at the International Workers' Compensation College, and serves as secretary/treasurer on the Executive Committee of the International Association of Industrial Accident Boards and Commissions. Ms. Ahearn also sits on the board of directors of the Maryland Chapter of the Juvenile Diabetes Research Foundation International and chaired the 2010 Maryland JDRF Walk to Cure Diabetes.

BIOGRAPHIES

Patricia G. Adams, *Commissioner*



Patricia G. Adams was appointed a member of the Maryland Workers' Compensation Commission by Governor Martin O'Malley and confirmed by the State Senate on March 9, 2007. She previously served as a Commissioner from 1999 to 2004. Before her work at the Commission, she was the managing partner of Serio, Tansey and Adams from 1982 to 1999. During her tenure, she managed a large workers' compensation practice, representing primarily injured police officers and firefighters. In April 2003, the Daniel O'Connell Law Society selected her as

Lawyer of the Year for Distinguished Service in the Public Sector.

She is also a former Commissioner with the Attorney Grievance Commission of Maryland. Before attending law school, Commissioner Adams worked as a public school teacher in Prince George's County. She is a 1980 graduate of the University of Baltimore School of Law. She graduated magna cum laude with a Bachelor of Science degree from the University of Maryland in 1976.

Jeffrey C. Herwig, *Commissioner*



Jeffrey C. Herwig was appointed a member of the Maryland Workers' Compensation Commission in 2006 by Governor Robert L. Ehrlich, Jr. He graduated from Loyola College in Maryland summa cum laude in 1978 and earned his J.D. from the University of Maryland School of Law in 1981. After clerking for Judge James A. Perrott in the Circuit Court for Baltimore City, he joined Smith, Somerville and Case where he became a partner in 1989. He founded Herwig & Humphreys, LLC, in 1991 with the late Robert L. Humphreys, Jr., and served as managing partner until his appointment to the Commission. Throughout his 25 years in legal practice, Commissioner Herwig has concentrated in the defense of workers' compensation claims in Maryland, the District of Columbia, and

in the Federal Longshore and Harbor Workers' Compensation System. He has been chair of the Maryland State Bar Association's Negligence and Workers' Compensation Section, chair of the Joint Task Force for Injured Workers' Rehabilitation, president of the District of Columbia Association of Insurance Compensation Attorneys, board member of various civic organizations, author of the annual supplement to the *Maryland Workers' Compensation Handbook* (Gilbert and Humphreys; Michie Pub. 1993), author of articles on vocational rehabilitation issues, and a frequent lecturer on Maryland and District of Columbia workers' compensation law, vocational rehabilitation, Social Security disability and related topics.

BIOGRAPHIES

Kenneth G. Macleay, *Commissioner*

Kenneth G. Macleay was appointed a member of the Maryland Workers' Compensation Commission by Governor Robert L. Ehrlich, Jr., on August 1, 2005. He is a graduate of Loyola College in Maryland and the University of Baltimore School of Law. Following a judicial clerkship at the Circuit Court for Baltimore City for Judge Thomas Ward, Commissioner Macleay joined a litigation firm in Baltimore, Md., and became a partner in 2000. His practice included workers' compensation, transportation, insurance defense, personal injury and medical malpractice litigation. He regularly attended the American Bar Association's Transportation Megaconference. Prior to joining the Commission, Commissioner Macleay represented clients in litigation before the Circuit Courts for all 23

counties and the City of Baltimore in addition to Federal Court. He also appeared before the Maryland General Assembly legislative oversight panel concerning insurance coverage and the rental car industry. In 1997 Commissioner Macleay served as president of the board of trustees of the José Martí Monument Foundation and was integral in having a monument honoring Cuban patriot José Martí erected in Baltimore City. Commissioner Macleay is a member of the Anne Arundel County Bar Association and the Association for Transportation Law, Logistics and Policy. He works on environmental causes with other educational associations, including the Chesapeake Bay Foundation. Commissioner Macleay currently chairs the Commission's Medical Fee Guide Revision Committee.

Cynthia S. Miraglia, *Commissioner*

Cynthia S. Miraglia was appointed a member of the Maryland Workers' Compensation Commission in January 1999 by Governor Parris N. Glendening. She graduated cum laude with a J.D. from the University of Baltimore School of Law in 1983. Commissioner Miraglia received her bachelor's degree in political science from Goucher College in 1979. She was employed by Allstate Insurance Company as a senior casualty claims adjuster from 1979 until 1980. From 1983 until 1999 she was engaged in the private practice of law, serving as a

civil trial attorney for Ashcraft and Gerel, LLP, where she concentrated on workers' compensation, personal injury, medical malpractice and product liability. Commissioner Miraglia is a past president of the Women's Bar Association of Maryland, Inc., and former board member of the Maryland Chapter of the National Association of Women Law Judges. She has served as a board member of the University of Baltimore Alumni Association and is a current member of The Citizens' Review Board of Maryland for Montgomery County.

BIOGRAPHIES

Maureen Quinn, *Commissioner*



Maureen Quinn was appointed a member of the Maryland Workers' Compensation Commission in 2002 by Governor Parris N. Glendening. She graduated from Temple University School of Law with a J.D. in 1987. Commissioner Quinn received her bachelor's degree in 1982 from American University, where she was a recipient of the Stafford Cassell Award for Governmental

Leadership. She was engaged in the private practice of law as a trial attorney from 1987 until 2002. She established her own law firm in 1995 and was primarily focused on general civil litigation. Commissioner Quinn is an adjunct professor at the University of Maryland University College where she teaches business law.

Lauren A. Sfekas, *Commissioner*



Lauren A. Sfekas was appointed a member of the Maryland Workers' Compensation Commission in 1996 by Governor Parris N. Glendening. She is a 1978 cum laude graduate of Mount Saint Mary's College. In 1981, she graduated cum laude from the University of Baltimore School of Law,

where she served as editor of the *Law Review*. Commissioner Sfekas spent 14 years in private practice, concentrating on workers' compensation law. She has published and lectured extensively on workers' compensation matters.

BIOGRAPHIES

Kimberly Smith Ward, Commissioner

Kimberly Smith Ward was appointed a member of the Maryland Workers' Compensation Commission in February 2007 by Governor Martin O'Malley. She graduated from the University of Maryland with a bachelor's degree in history and from the Wake Forest University School of Law. Commissioner Ward served as a judicial clerk to the Honorable Dale R. Cathell, Court of Special Appeals of Maryland, and the Honorable Robert M. Bell, Court of Appeals of Maryland. She joined the Office of the Attorney General in 1993 and worked in the Opinions and Advice, Criminal Appeals and Civil Litigation divisions. She served as Principal Counsel to the Maryland Workers' Compensation Commission from 2001 to 2007. She is a member of the Bar

of the Court of Appeals of Maryland, the United States District Court for the District of Maryland, the United States District Court for the District of Columbia, the Court of Appeals for the Fourth Circuit, and the Supreme Court of the United States. She has authored opinions on workers' compensation issues and has lectured on workers' compensation for the Maryland Institute for Continuing Professional Education of Lawyers. Commissioner Ward served on the Task Force for Racial and Ethnicity Fairness in the Courts and is a member of the National Association of Women Law Judges and the International Association of Women Judges. She was named by *The Daily Record* in 2009 to its list of "Maryland's Top 100 Women."

John R. Webster, Jr., Commissioner

John R. Webster, Jr., was appointed a member of the Maryland Workers' Compensation Commission in December 1997 by Governor Parris N. Glendening. He completed his undergraduate degree at the University of Maryland and received his law degree from George Washington University where he graduated with honors. Commissioner Webster spent 24 years engaged in private practice with

the firm of Miller & Webster, P.A., concentrating on civil and criminal law, personal injuries, medical malpractice, product liability and workers' compensation. Commissioner Webster is a member of the Prince George's County Bar Association, the Maryland State Bar Association, the American Bar Association and the American Trial Lawyers Association.

BIOGRAPHIES

Jeffrey T. Weinberg, *Commissioner*

Jeffrey T. Weinberg was appointed a member of the Maryland Workers' Compensation Commission by Governor Martin O'Malley and confirmed by the State Senate on March 9, 2007. He graduated from the University of Maryland, College Park, and the University of Baltimore School of Law. Prior to his appointment, he was engaged in the private practice of law and concentrated in workers' compensation claims. Commissioner Weinberg has been a board member and past president of the Maryland Workers'

Compensation Educational Association, and served as a member of the Workers' Compensation Medical Fee Guide Advisory Committee. He is a former chairman of the Baltimore City Bar Association Workers' Compensation Committee. A past member of the Maryland Trial Lawyers Association Workers' Compensation Committee, he served as the committee's vice chairman from 2005 to 2006. He also served on the Legislative Committee.

Michele J. McDonald, *Assistant Attorney General, Principal Counsel*

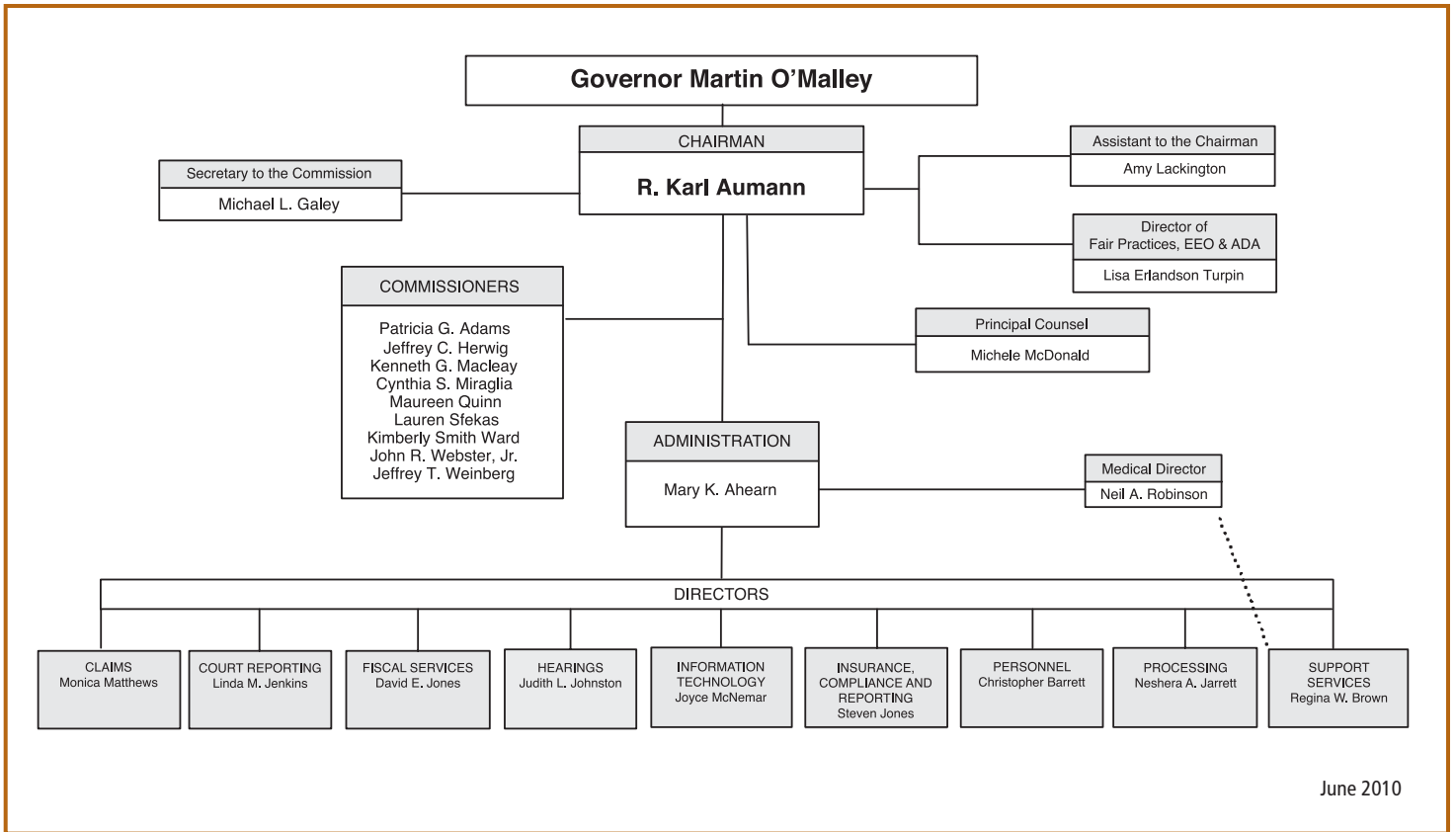
Assistant Attorney General Michele J. McDonald is a graduate of Swarthmore College and the University of Maryland School of Law, where she was articles editor of the *Maryland Law Review*. She served as a judicial clerk to the Honorable Theodore G. Bloom, Maryland Court of Special Appeals. She joined the Office of the Attorney General in 1993. During her tenure she has represented the Department of Economic and Employment Development, the Department of Labor, Licensing and Regulation, and the Department of Public Safety and Correctional Services in civil rights, tort, employment and labor litigation. She has lectured on state personnel, employment, administrative and workers' compensation law for the Maryland Institute for Continuing Professional Education of Lawyers, the American Correctional Association, the Committee on the Status of

Women of the Society for Music Theory, the International Association of Industrial Accident Boards and Commissions, the Office of the Maryland Attorney General and the Maryland Workers' Compensation Educational Association. She currently serves on the board of directors of the Women's Law Center, the St. Pius X Elementary School Board, and the Administrative Law Section Council of the Maryland State Bar Association. She is also a lifetime fellow of the Maryland Bar Foundation.

Ms. McDonald serves as general counsel to the Commission and provides the Commission with legal advice and representation in all matters including employment, self-insurance, tax, compliance, procurement, bankruptcy, litigation, legislation and regulation.

ORGANIZATIONAL CHART

Workers' Compensation Commission



Pictured (back row, left to right) Michael Gale, David Jones, Steven Jones, Linda Jenkins (front row, left to right) Joyce McNemar, Neshera Jarrett, Christopher Barrett, Mary Ahearn, Lisa Erlandson Turpin, Regina Brown, Judith Johnston (Not pictured: Monica Matthews, Neil Robinson, M.D., Amy Lackington)

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

Business Continuity Plan Updates

The Commission continues to review, test and update its Business Continuity Plan as an ongoing project. The goal of this plan is to provide fast and efficient service to constituents and to resume agency mission-critical functions in a timely manner in the event of an emergency or disaster.

Commission Staff Trained in First Aid, Cardiopulmonary Resuscitation and Automated External Defibrillator Usage

The Commission takes seriously its responsibility to respond to the medical emergencies of visitors and staff. It has arranged with the American Red Cross to provide annual training in first aid, cardiopulmonary resuscitation (CPR) and Automated External Defibrillator (AED) usage to a small group of Commission staff. At this time, the Commission's only AED is located at its main office in Baltimore City in the fourth floor reception area.

Commission News Available through RSS and Twitter

In September 2009 the Commission launched a Twitter site and Really Simple Syndication (RSS) feed to provide up-to-date information about Current Notices and the status of the Web-Enabled File Management System (WFMS) Online Services system. The RSS feed and Twitter site will also announce weather-related problems or other circumstances affecting the Commission's schedules and services.

The Commission's website provides information about how to subscribe to the RSS feed on the "About RSS" information page. This information can also be found via search engine or your Internet browser's "Help" file.

Links to the Commission's Twitter and RSS feeds are available on the state of Maryland's "direct 2 u" State Updates and Social Media website: <http://www.maryland.gov/Pages/socialmedia.aspx>.

Video Supports Online Employee Claim Form C-1

The Commission has produced a six-minute instructional video supporting its online Employee Claim Form. The video explains how to complete the online form and provides additional details

about online inquiry services that provide claim status and information on Commission processes. The Windows Media Player format video is posted on the Online Employee Claim Form page of the Commission's website. A text version of the audio portion of this video may also be downloaded and printed. During this fiscal year, approximately 2,000 visitors reviewed the video.

Employee Claim Form Reprinted

Due to changes in technological requirements, the Commission has reprinted its Employee Claim Form C-1 (ECF) to ensure compliance with its processes. Effective December 1, 2009, the Commission would not accept an ECF bearing a version date earlier than August 2009. The ECF form cannot be downloaded and printed from the Commission's website because it is an Optical Character Recognition (OCR) form.

The new print version of the ECF form may be requested via e-mail at info@wcc.state.md.us or by calling the Commission's Public Service section at 410-864-5100. Quantity and shipping address are required.

e-Notifications Offer Advantages to Attorney Subscribers

Subscribed attorneys may choose to receive e-Notifications or e-mails in lieu of postal mail notifications of various notices sent from the Commission for claims in which the subscribed attorney is a party. Benefits of e-Notifications include:

- Users can receive Hearing Notices and other notices of claim actions and can have documents filed more quickly than with postal mail.
- Links in the e-Notification enable users to quickly open, view and save a Notice.
- Claim and Notice identification information is included in the e-mail message.
- Notice of Withdrawn Issues is added to those currently available.

Attorneys interested in receiving e-Notifications may update their User Profile to activate e-Notification. More information about this feature for attorney subscribers is available on the Commission's website or by e-mailing websupport@wcc.state.md.us.

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

Attorney Identity Validation

Those attorneys who wish to subscribe to the Commission's online services are now able to validate their identity at any of the Commission's regional hearing sites. This new procedure was instituted to enable attorneys from anywhere in the state to sign up for Web services without having to appear at the Commission's main office in Baltimore City.

MergeDoc System Improves Accuracy of Orders

The Order creation software known as MergeDoc was designed to improve both process and accuracy through tighter integration of the claims processing system and by automating the capture of Order-related statistical data. The Commission has completed its rewrite of the primary features of the MergeDoc Order creation software. This new version of the software has been in use by the Commissioners' assistants since October and provides several new features including greater consistency in the text of similar Orders and improved accuracy due to integration with the claims database. The new statistical capture capabilities of the MergeDoc system are currently being tested and will soon be implemented.

New Regulations for Vocational Rehabilitation Practitioners

Amendments made to COMAR 14.09.05 create comprehensive regulation related to vocational rehabilitation practitioners. The new regulations stipulate that providers (vocational rehabilitation companies) must register with the Commission; parties in the case must either agree to a provider/practitioner or go through a selection process when there is a disagreement with the choice of a provider/practitioner. The new regulations also clarify what a vocational assessment may include, identify specific components of a vocational rehabilitation plan and provide new processes for agreeing/disagreeing with the vocational rehabilitation plan. There is now a new procedure when Commissioners handle disputes resolving vocational rehabilitation issues only. The new regulations provide consistent language that defines the provider, practitioners, and disabled covered employee.

The amendments, which became effective April 20, 2010, necessitated the establishment of new procedures and the creation of several forms and electronic processes for implementation. The Commission has held several training sessions covering the new

processes, procedures and forms. A slideshow, PDF formats and instructions are available on the Commission's website.

Governor Establishes Joint Enforcement Task Force on Workplace Fraud

On July 14, 2009, under Executive Order 01.01.2009.09, Governor Martin O'Malley established a Joint Enforcement Task Force on Workplace Fraud. This inter-agency task force includes the Commission, the Department of Labor, Licensing and Regulation and, specifically the divisions of Labor and Industry and Unemployment Insurance, the Attorney General's Office, the Comptroller's Office and the Maryland Insurance Administration.

The task force enables Maryland agencies to share information, educate and reach out to employers, and target enforcement of Maryland's recently enacted Workplace Fraud Act. The goal of the task force is to provide for effective and efficient use of state resources in combating the problem.

The Commission developed a new internal process to facilitate the sharing of information among state agencies when the Commission has determined or suspects misclassification of workers as independent contractors by an employer. The Commission must notify the Division of Unemployment Insurance, the Division of Labor and Industry, the insurer, if any, the Insurance Administration and the Comptroller, if the Commission determines that an employer has failed to properly classify an individual as an employee, as required by §9-402.1(h). The Commission, along with other state agencies, must cooperate and share information concerning any suspected failure of an employer to properly classify workers as employees as per §9-402.1(i) of the Labor and Employment Article of the Maryland Code.

Report on Fraud Program

Labor and Employment Article, §9-310.2, Annotated Code of Maryland requires the Commission to refer to the Insurance Fraud Division of the Maryland Insurance Administration any case in which it is established by a preponderance of the evidence, after a hearing, that a person knowingly affected or knowingly attempted to affect the payment of compensation, benefits, fees or expenses under the Workers' Compensation Act by means of a fraudulent representation. During fiscal year 2010 the Commission referred nine cases to the Insurance Fraud Division.

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

Additionally, the Commission receives frequent anonymous allegations of fraudulent activity including the improper collection of benefits and failure to maintain workers' compensation insurance. In such instances there is insufficient information to positively identify the individual allegedly committing fraud. If sufficient information does exist, the matter is forwarded to the workers' compensation insurance carrier, if available, or to the Insurance Fraud Division. The Commission received 20 allegations of this type during fiscal year 2010 and was able to identify and forward five to either the carrier or the Insurance Fraud Division.

Southern Association of Workers' Compensation Administrators Conference

The 61st annual conference of the Southern Association of Workers' Compensation Administrators (SAWCA) was held at the Sandestin Golf & Beach Resort Bayside Inn Hotel in Destin, Fla., on July 20-24, 2009.

Some of the conference sessions included "Integration of National Healthcare with State Workers' Compensation Programs," "Chronic Pain Medications: 101" and "Nanotechnology."

The special guest speaker was Charles Martin "C.M." Newton, College Hall of Fame basketball coach, consultant for basketball to the SEC, and chair of the NIT Selection Committee. As player, coach and administrator for more than 50 years, Newton enhanced the game's integrity and success. On the court, Newton played with the 1951 University of Kentucky team that compiled a 32-2 record and won the NCAA Championship. Newton continued his winning ways as a coach at Transylvania College, the University of Alabama and Vanderbilt University. In 1989, he returned to his alma mater as athletics director and resurrected Kentucky's basketball program. Newton was president of USA Basketball from 1992 to 1996, when the U.S. Olympic team went from college to professional players. He was also a major influence in the selection of the original Olympic Dream Team of 1992.

SAWCA will hold its 62nd annual conference at the Hyatt Regency Riverfront in Savannah, Ga., on July 19-23, 2010.

Maryland Workers' Compensation Educational Association's Annual Conference

The theme of the annual conference of the Maryland Workers' Compensation Educational Association (MWCEA) was "Celebrating the 25th Anniversary of the MWCEA." The conference was held at the Clarion Resort Fontainebleau Hotel and Conference Center in Ocean City, Md., on September 20-23, 2009.

MWCEA Director Emeritus Marie Hampton, Bruce Ingerman, Esq., and Mark Vincent, Esq., paid tribute to the founder, early organizers and past presidents of the MWCEA. As part of the program an historical perspective was presented to the attendees.

MWCEA will hold its 26th annual conference at the Clarion Resort Fontainebleau Hotel and Conference Center in Ocean City, Md., on September 19-22, 2010.

International Association of Industrial Accident Boards and Commissions All Committee Conference

The International Association of Industrial Accident Boards and Commissions (IAIABC) All Committee Conference was held in Nashville on April 19-23, 2010. The annual meeting brought together jurisdictional and corporate managers to participate in committee discussion and information-sharing. Committees addressed specific topics in workers' compensation and provided a forum for attendees to share challenges with peers facing the same issues. The IAIABC additionally provided auxiliary events that included "EDI Compliance for Claims Adjusters," "E-billing in Workers' Compensation: What Have We Learned? What's on the Horizon?" "Disability Management Colloquium" and "Medical Institute."

International Association of Industrial Accident Boards and Commissions Annual Convention Held in Conjunction with the International Forum on Disability Management

The International Association of Industrial Accident Boards and Commissions (IAIABC) will hold its annual convention in Los Angeles on September 20-23, 2010. Hosted in conjunction with the International Forum on Disability Management (IFDM) 2010, the theme for the convention is "Collaborating for Success."

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

The conference will feature multi-stakeholder dialogue on the challenges and trends in workers' compensation expected in the coming year. These complementary events will spotlight the importance of disability management to improve outcomes in workers' compensation. The convention will also provide in-depth analysis of workers' compensation regulation and administration from an international perspective.

Highlights of the annual convention 2010 include:

- The opportunity to learn and share from workers' compensation regulators, administrators, and chief executive officers from Europe, Canada, Australia and the United States.
- Discussion on how to build political consensus between labor and management in order to improve benefits, claims handling and administrative cost efficiency.
- In-depth discussion by leading experts on the most pressing issues facing jurisdictional administrators, particularly the control of medical costs in workers' compensation.
- Peer-to-peer networking through committee meetings, social events and other informal gatherings.

Women's Bar Association Honors Commissioner Cynthia S. Miraglia

Commissioner Cynthia S. Miraglia received the Women's Bar Association (WBA) of Maryland's prestigious Rita C. Davidson Award for 2009. The award is given to women who have served the WBA and the legal profession with distinction worthy of recognition. A presentation dinner was held November 17, 2009 at the Sheraton Washington North in Beltsville, Md.

FY 2010 Annual Report Online

The Maryland Workers' Compensation Commission's Annual Report for fiscal year 2010 will be posted to the Commission's Publications and Reports page on its website by January 2011.

New Forms, Revisions and Reprinted

New Forms

- VR-04 Vocational Rehabilitation Dispute
- VR-05 Disputed Provider/Practitioner Selection
- VR-06 Agreement on Propriety of Services and Selection of Practitioner

Revised/Web-enabled Forms

- IC-1 Annual Information Report
- IC-02 Sole Proprietor's Status as a Covered Employee
- C-06 Insurer's Termination of Temporary Total Disability Benefits
- C-24R Request to Enter Appearance of Counsel
- C-25R Request to Strike Appearance of Counsel
- C-26R Request to Enter Appearance of Counsel for Employer/Insurer
- C-40 Notification to Insurer for Contesting a Claim
- C-51 Claim for Medical Services
- H-05 Claimant's Affidavit in Support of Settlement
- H-07 Settlement Worksheet
- H-32 Controversion of Medical Claim
- VR-01 Proposed Vocational Rehabilitation Plan
- VR-02 Vocational Rehabilitation Closure Report
- VR-03 Vocational Rehabilitation Provider 30-Day Progress Report
- VR-08 Vocational Rehabilitation Practitioner Registration Application
- VR-09 Vocational Rehabilitation Practitioner Applicant Professional Reference
- VR-10 Vocational Rehabilitation Provider Enrollment Application
- VR-11 Vocational Rehabilitation Practitioner Registration Waiver Application
- VR-12 Renewal Application for Waiver of Registration
- VR-13 Disagreement with Proposed Vocational Rehabilitation Plan
- VR-33 Insurer's Vocational Rehabilitation Report

Reprinted

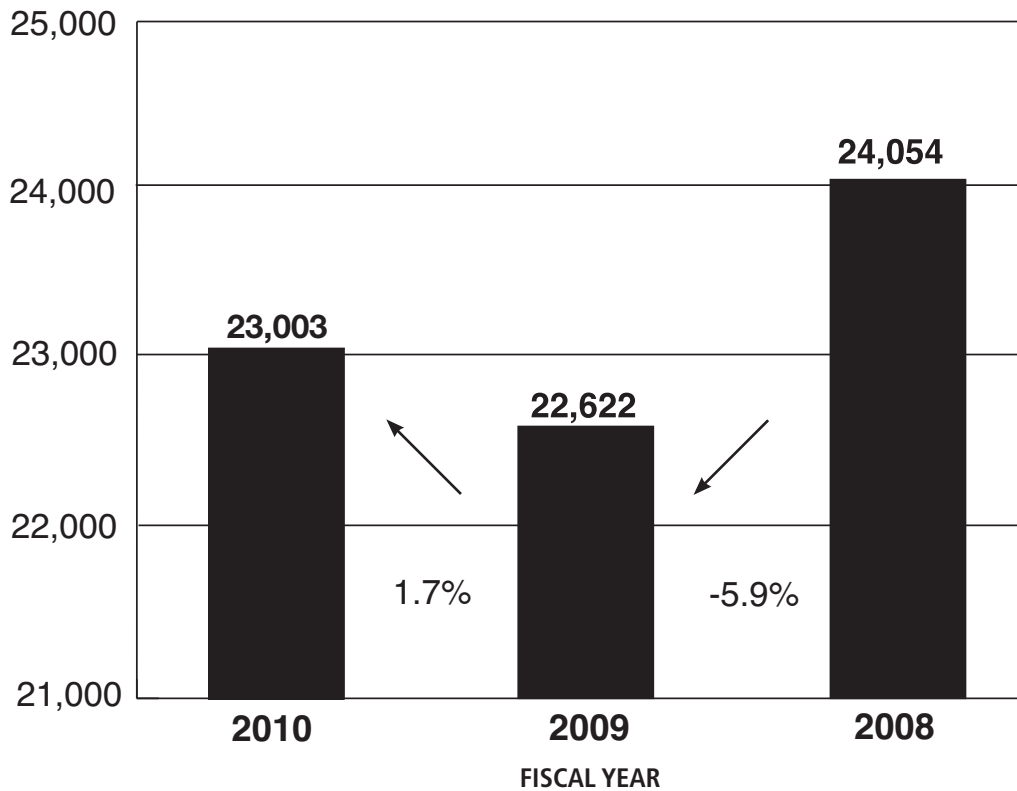
- C-1 Employees Claim Form

AGENCY PERFORMANCE

The agency's performance in this fiscal year related to claims, hearings, transcripts and vocational rehabilitation is presented here and in the following charts, graphs and tables.

Filed claims in 2010 increased by 1.7 percent as compared to last year's decrease of 5.9 percent. The non-metropolitan jurisdictions showed the majority of the claim increase. Claims filed from 13 of the 18 non-metropolitan jurisdictions increased.

FIGURE 1 • Filed Claims



Based on award data, the average permanent partial (PP) award decreased slightly to \$18,601, a 2.3 percent decrease compared to last year, whereas the average weekly wage increased 4.4 percent. The growth rate of compromise and settlement (CO) awards was higher than the growth rate of permanent partial awards. This year's average award of \$25,534 is a 21.0 percent increase over the prior year's average award.

Maryland ranks as the eighth lowest state in the nation in premium rates. The National Council on Compensation Insurance, Inc. (NCCI) reported that incurred losses have increased at a rate higher than our neighboring states

(Pennsylvania and Virginia) and the national average since 2005. Premium growth in Maryland has also increased at a higher rate than the neighboring states and the national average.

The Maryland Workers' Compensation Commission continues to see an increase in the percentage of forms received electronically. In this fiscal year, 33.8 percent of all forms received by the Commission were received electronically. The chart "eForms vs. Total Forms Filed" lists a sample of the forms available electronically and indicates the number and percent of e-forms filed in fiscal years 2009 and 2010.

AGENCY PERFORMANCE

FIGURE 2 • eForms vs. Total Forms Filed

FORM TYPE	FISCAL YEAR						
	2010			2009			
	Total Forms	Total eForms	Percent	Total Forms	Total eForms	Percent	Percent Change
Postponement Request	9,579	7,516	78.5%	10,742	7,724	71.9%	9.2%
Enter/Strike Appearance	55,742	17,506	31.4%	56,230	18,093	32.2%	-2.5%
Issues Controversion	30,021	18,148	60.4%	30,671	16,247	53.0%	14.0%
Vocational Rehabilitation Progress Report	12,088	8,228	68.1%	12,195	7,643	62.7%	8.6%
Vocational Rehabilitation Referral Notice	5,596	3,607	64.4%	5,897	3,966	67.2%	-4.2%
Employee Claim Form	23,532	6,095	25.9%	23,554	5,316	22.6%	14.6%
Withdraw Issues/Set With	7,975	6,530	84.9%	11,741	8,580	73.1%	16.1%
TOTAL	144,533	67,630	46.8%	151,030	67,569	44.7%	4.7%

Source: Commission Data, July 2010

A total of 43,553 issues were filed with the Commission this fiscal year and the Commission scheduled 42,044 hearings. The Commission's daily docketing system successfully scheduled 96.7 percent of those issues of the most urgent nature within 60 days of the issue file date. Emergency hearing requests accounted for 7.3 percent of the total issues filed. The Commission continued to demonstrate a high level of efficiency, issuing 99.2 percent of hearing Orders within 30 days of the hearing date.

The Commission received 3,381 requests for transcripts this fiscal year, of which 1,737 were provided for appellate litigation and 1,644 for other general request purposes such as third-party litigation, reopening and general requests by other parties of interest.

This fiscal year the Commission approved 543 Stipulation Rehabilitation Plans, and processed seven Rehabilitation Service Plans. The Commission currently has on record 1,014 Workers' Compensation vocational rehabilitation practitioners certified to work with Maryland injured workers. The Commission publishes a list of approved practitioners and a directory of registered providers who employ practitioners to work with injured workers.

In fiscal year 2010, 700 practitioners completed the Commission's online Vocational Rehabilitation Workshop, completing the

continuing education requirements required by Maryland statute. The Commission held four face-to-face informational workshops at the Commission's main office and several at various conferences that covered new regulations related to registration, and general rules and standards of practice. More than 150 individuals attended the workshops held at the Commission's office.

A significant responsibility of the Commission is to review and process disputed claims for medical services. This fiscal year, the Commission received and processed 1,689 C-51s.

The Commission also refers medical evaluations to medical providers, as per Commission Order. This year 21 medical evaluations were referred.

The Commission's public service staff continues to perform a variety of customer service duties in addition to their telephone service responsibilities. They interact with the public on a daily basis, directing people to the proper hearing room, date-stamping filings, issuing subpoenas, verifying attorneys on the Web-Enabled File Management System (WFMS), processing new attorney registrations, assisting with claim searches or microfilm requests, and making copies.

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In addition to calls received through the Automatic Call Distribution (ACD) system, public service employees also answer calls received directly through the Private Branch Exchange (PBX) to their individual extension. Public service staff handled an average of 2,945 calls per month this fiscal year. The call abandonment rate has been reduced to less than 3 percent, with the daily average less than 2 percent. During this reporting period, 93 percent of all calls were answered in less than 60 seconds. When combined with abandoned calls, the average wait time was one minute and 15 seconds. This fiscal year the Commission's ACD phone

system was updated to ensure it is capturing all calls during the Commission's business hours of 8:00 a.m. to 4:30 p.m. This update should continue to provide us with the most accurate statistics.

This year the Commission processed 609,339 pieces of outgoing mail. This was a significant decrease from last year's total of 653,623 pieces of outgoing mail. The Commission anticipates that the quantity of processed mail will continue to decrease as the Web-based file system continues to develop and as more members elect to receive electronic notifications.

FIGURE 3 • Filed Claims by Market Segment

MARKET SEGMENT	FISCAL YEAR					
	2010		2009		2008	
	Count	Percent	Count	Percent	Count	Percent
Voluntary Market Insurers	11,086	47.8%	10,843	47.9%	11,562	48.1%
Injured Workers' Insurance Fund	4,687	20.2%	4,524	20.0%	5,093	21.1%
Self-Insured						
Governmental Entities	4,754	20.5%	4,535	20.0%	4,634	19.3%
Hospitals	850	3.7%	760	3.4%	747	3.1%
Other Self-Insured Employers	1,118	4.8%	1,221	5.4%	1,243	5.2%
Private Groups	374	1.6%	399	1.8%	373	1.5%
Other – Uninsured	315	1.4%	340	1.5%	402	1.7%
TOTAL	23,184	100.0%	22,622	100.0%	24,054	100.0%

Source: Commission Data, July 2010

Note: Difference in claim count (2010) reflects claims that cross market segment.

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FIGURE 4 • Source of Filed Claims by Political Subdivision

JURISDICTIONS	FISCAL YEAR		
	2010 Claims	2009 Claims	2008 Claims
Baltimore City	3,659	3,745	4,155
Baltimore County	3,964	3,734	3,991
Prince George's County	3,035	2,998	3,000
Montgomery County	1,990	1,987	2,224
Anne Arundel County	1,962	1,873	1,844
Harford County	937	1,065	1,098
SIX MAJOR METRO AREAS - COUNT	15,547	15,402	16,312
Percent of Total Filed Claims	67.6%	68.1%	67.8%
Frederick County	762	663	740
Washington County	656	645	616
Carroll County	633	613	641
Howard County	533	527	545
Charles County	463	473	439
Wicomico County	384	327	399
Calvert County	263	294	366
Allegany County	320	318	332
Cecil County	306	304	355
St. Mary's County	300	323	357
Caroline County	278	269	221
Queen Anne's County	159	126	136
Worcester County	165	183	188
Dorchester County	170	148	200
Talbot County	92	91	84
Garrett County	114	105	111
Somerset County	81	76	86
Kent County	67	72	58
Unclassified	0	0	0
EIGHTEEN NON-METRO AREAS - COUNT	5,746	5,557	5,874
Percent of Total Filed Claims	25.0%	24.6%	24.4%
OUT-OF-STATE CLAIMS - COUNT	1,710	1,663	1,868
Percent of Total Filed Claims	7.4%	7.3%	7.8%
TOTAL	23,003	22,622	24,054

Source: Commission Data, July 2010

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FIGURE 5 • Filed Claims by Industry

INDUSTRIES WITH MORE THAN 100 FILED CLAIMS	FISCAL YEAR					
	2010		2009		2008	
	Count	Percent	Count	Percent	Count	Percent
Policemen - Security	2,485	10.8%	2,143	9.5%	2,043	8.5%
Truckmen NOC	1,514	6.6%	1,127	5.0%	1,303	5.4%
Colleges or Schools Including Day Care	1,532	6.7%	1,495	6.6%	1,306	5.4%
Building, Raising or Moving - General Construction	920	4.0%	777	3.4%	818	3.4%
Hospitals - All Other Employees	1,007	4.4%	877	3.9%	768	3.2%
TOP 5 INDUSTRIES IN FILED CLAIMS	7,458	32.5%	6,419	28.4%	6,238	25.9%
Hotels, Restaurants, Bars and Nightclubs	757	3.3%	673	3.0%	626	2.6%
Firemen Including Volunteer Department and Ambulance Service	691	3.0%	597	2.6%	480	2.0%
Meat Combined Grocery and Provision Stores Retail	633	2.8%	490	2.2%	527	2.2%
Automobile Garages or Repair Shops Including Dealers	391	1.7%	391	1.7%	369	1.5%
Taxicab and Bus Companies	675	2.9%	554	2.4%	539	2.2%
Convalescent or Nursing Homes All Employees	576	2.5%	448	2.0%	440	1.8%
Carpentry NOC - Renovations	272	1.2%	310	1.4%	338	1.4%
Clothing or Dry Goods Stores Retail	308	1.3%	255	1.1%	303	1.3%
Municipal Township County or State Employees NOC	456	2.0%	393	1.7%	392	1.6%
Storage Warehouses General Merchandise NOC	318	1.4%	296	1.3%	292	1.2%
Clerical Office Employees NOC	333	1.4%	254	1.1%	339	1.4%
Charitable Organizations (Goodwill)	336	1.5%	311	1.4%	251	1.0%
Plumbing - Steam Fitting	181	0.8%	191	0.8%	208	0.9%
Store Risks Wholesale or Combined NOC (K-Mart)	238	1.0%	294	1.3%	225	0.9%
Sheet Metal Work Including Air Conditioning and Refrigeration	167	0.7%	193	0.9%	171	0.7%
Buildings Operation by Contractors	238	1.0%	174	0.8%	146	0.6%
Landscape and Tree Surgery	233	1.0%	144	0.6%	144	0.6%
Unclassified (Insufficient Data)	121	0.5%	124	0.5%	138	0.6%
Electrical Wiring in Buildings	169	0.7%	176	0.8%	197	0.8%
Housing Authorities - Apts. and Condos Including Real Estate	191	0.8%	170	0.8%	163	0.7%
Employment Agencies	127	0.6%	119	0.5%	N/A	
Physicians Including Clerical	219	1.0%	256	1.1%	170	0.7%
Garbage Refuse Collecting	103	0.4%	N/A		N/A	
Telephone or Telegraph Companies	143	0.6%	125	0.6%	112	0.5%
Hardware Stores - Locksmiths	N/A		N/A		104	0.4%
Industries with More Than 100 Filed Claims	7,876	34.2%	6,938	30.7%	6,674	30.5%
Number of Industry Groups Represented	29		23		28	
All Other	7,669	33.3%	9,265	40.9%	11,142	43.6%
TOTAL	23,003	100.0%	22,622	100.0%	24,054	100.0%

Source: Commission Data, July 2010

NOC: Not Otherwise Classified

Note: Chart represents filed claims in which an award has been ordered.

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FIGURE 6 • Awards According to Nature of Injury

NATURE OF INJURY	FISCAL YEAR											
	2010				2009				2008			
	TT	PT/PP	Total	Percent of Total	TT	PT/PP	Total	Percent of Total	TT	PT/PP	Total	Percent of Total
Burns	133 58.8%	93 41.2%	226	1.0%	137 62.0%	84 38.0%	221	1.0%	134 55.8%	106 44.2%	240	1.1%
Cuts, Abrasions, Punctures	965 68.0%	454 32.0%	1,419	6.4%	910 66.2%	464 33.8%	1,374	6.5%	969 67.2%	474 32.8%	1,443	6.5%
Fractures	200 66.9%	99 33.1%	299	1.4%	200 66.2%	102 33.8%	302	1.4%	180 63.4%	104 36.6%	284	1.3%
Dislocations/Strains	10,476 57.5%	7,734 42.5%	18,210	82.3%	9,742 55.8%	7,708 44.2%	17,450	81.9%	10,385 56.6%	7,977 43.4%	18,362	82.6%
Multi/Other	1,083 54.9%	888 45.1%	1,971	8.9%	1,017 52.1%	935 47.9%	1,952	9.2%	974 51.4%	922 48.6%	1,896	8.5%
TOTAL	12,857 58.1%	9,268 41.9%	22,125	100.0%	12,006 56.4%	9,293 43.6%	21,299	100.0%	12,642 56.9%	9,583 43.1%	22,225	100.0%

Source: Commission Data, July 2010 TT - Temporary Total PT - Permanent Total PP - Permanent Partial

FIGURE 7 • Awards According to Weeks of Disability and Body Part

FISCAL YEAR 2010					
TOP TEN BODY PARTS DISABLED					
BODY PART	1-74	75-249	Greater than 249	Total	Percent of Total
Thorax-Lower (Back)	1,012	529	61	1,602	21.2%
Legs	690	394	14	1,098	14.5%
Neck	649	375	42	1,066	14.1%
Shoulder	462	552	35	1,049	13.8%
Hands	559	157	5	721	9.5%
Feet	404	103	6	513	6.8%
Arms	280	171	14	465	6.1%
Knees	286	140	5	431	5.7%
Multiple or All Other	214	160	17	391	5.2%
Spinal Cord	158	74	3	235	3.1%
TOTAL	4,714	2,655	202	7,571	100.0%
PERCENT OF TOTAL	62.3%	35.1%	2.6%	100.0%	

Source: Commission Data, July 2010

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FIGURE 8 • Permanency Awards According to Weeks of Disability

FISCAL YEAR	1 TO 74	75 TO 249	GREATER THAN 249	TOTAL
2010	5,823	3,062	243	9,128
	63.8%	33.5%	2.7%	100.0%
2009	5,721	3,148	254	9,123
	62.7%	34.5%	2.8%	100.0%
2008	5,722	3,269	270	9,261
	61.8%	35.3%	2.9%	100.0%

Source: Commission Data, July 2010

FIGURE 9 • Permanency, Fatality and Compromise Awards by Type of Award

TYPE	FISCAL YEAR								
	2010			2009			2008		
	Count	Amount	Average	Count	Amount	Average	Count	Amount	Average
Permanent Total	108	\$7,967,515	\$73,773	77	\$4,154,621	\$53,956	80	\$3,300,135	\$41,252
Percent Change - Prior Year	40.2%	91.8%	36.7%	-3.7%	25.9%	30.8%			
Permanent Partial	9,157	170,332,521	18,601	9,123	173,625,735	19,031	9306	173,816,014	18,678
Percent Change - Prior Year	0.4%	-1.9%	-2.3%	-2.0%	-0.1%	1.9%			
Fatality	45	3,723,704	82,749	46	2,893,010	62,892	24	1,224,626	51,026
Percent Change - Prior Year	-2.2%	28.7%	31.6%	91.7%	136.2%	23.2%			
Compromise	5,563	142,045,874	25,534	7,476	157,726,345	21,098	7,618	156,630,317	20,563
Percent Change - Prior Year	-25.6%	-9.9%	21.0%	-1.9%	0.7%	2.6%			
Total	14,873	324,069,614	\$21,789	16,876	338,399,711	\$20,052	17,028	\$334,971,092	\$19,762
Percent Change - Prior Year	-11.9%	-4.2%	8.7%	-0.8%	1.0%	1.5%			
Compromises as a Percent of Permanent Partials		83.4%	137.3%		90.8%	112.7%		90.1%	110.0%

Source: Commission Data, July 2010 Note: 2010 and 2009 fatalities contain uncontested and contested awards; 2008 only provide contested awards.

FIGURE 10 • Commission Claims Data

COMMISSION CLAIM ACTIONS	FISCAL YEAR					
	2010		2009		2008	
	Count	Percent	Count	Percent	Count	Percent
First Reports of Injury	102,927		110,625		111,984	
Total Filed Claims	23,003	100.0%	22,622	100.0%	24,054	100.0%
Disputed Accidental Injury Claims	7,957	34.6%	8,259	36.5%	8,984	37.3%
Temporary Total Awards	12,857	55.9%	12,241	54.1%	12,745	53.0%
Claims Settled	5,583	24.3%	7,476	33.0%	7,618	31.7%
Claims Deferred	5,916	25.7%	6,531	28.9%	7,551	31.4%
Claims Disallowed by Commission	509	2.2%	605	2.7%	548	2.3%

Source: Commission Data, July 2010

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FIGURE 11 • Comparative Tri-State Employment, Claims and Fatalities

FISCAL YEAR 2010			
STATE	Workforce*	Filed Claims	Fatalities
Pennsylvania	5.1 M	104,275	154
Virginia	2.9 M	N/A	N/A
Maryland	2.1 M	23,003	64

Source: Respective State Annual Report Publications

*Census Data

N/A - Annual Report publication no longer produced.

FIGURE 12 • Fatalities by Industry Grouping

INDUSTRY GROUP	Employment ⁽¹⁾	FISCAL YEAR		
		Fatalities ⁽²⁾		
		2010	2009	2008
STATE GOVERNMENT	101,167	1	3	3
LOCAL GOVERNMENT	254,309	15	17	23
GOVERNMENT SECTOR TOTAL	355,476	16	20	26
GOOD PRODUCING				
Natural Resources and Mining	6,226	0	1	1
Construction	147,480	8	12	9
Manufacturing	116,730	8	5	1
SERVICE PROVIDING				
Trades, Transportation and Utilities	441,071	7	9	11
Information	47,169	2	0	1
Financial Activities	139,821	0	0	0
Professional and Business Services	383,900	4	2	1
Education and Health Services	382,692	1	1	4
Leisure and Hospitality	222,290	6	0	2
Other Services	87,100	0	6	8
UNCLASSIFIED	192	12	18	10
PRIVATE SECTOR TOTAL ALL INDUSTRIES	1,974,671	48	54	48
TOTAL EMPLOYMENT	2,330,147	64	74	74

Source: ⁽¹⁾ DLLR 4th Quarter 2009

⁽²⁾ Commission Data, July 2010

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FIGURE 13 • Filed Claims by Gender and Age

FISCAL YEAR 2010			
Gender	Age Group	Claims Filed	Percent
Male	Unknown	0	0.0%
Male	10 - 19	147	0.6%
Male	20 - 29	2,540	11.0%
Male	30 - 39	3,377	14.7%
Male	40 - 49	4,182	18.2%
Male	50 - 59	2,916	12.7%
Male	60 - 69	979	4.3%
Male	70 - 79	128	0.6%
Male	80 - 89	17	0.1%
		Total 14,286	62.1%
Female	Unknown	0	0.0%
Female	10 - 19	98	0.4%
Female	20 - 29	1,331	5.8%
Female	30 - 39	1,712	7.4%
Female	40 - 49	2,471	10.7%
Female	50 - 59	2,149	9.3%
Female	60 - 69	826	3.6%
Female	70 - 79	108	0.5%
Female	80 - 89	22	0.1%
		Total 8,717	37.9%
Unknown	Unknown		0.0%
Unknown	10 - 19		0.0%
Unknown	20 - 29		0.0%
Unknown	30 - 39		0.0%
Unknown	40 - 49		0.0%
Unknown	50 - 59		0.0%
Unknown	60 - 69		0.0%
Unknown	70 - 79		0.0%
Unknown	80 - 89		0.0%
		Total Filed Claims 23,003	100.0%

Source: Commission Data, July 2010

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FIGURE 14 • Source of Appeals

SOURCE	FISCAL YEAR		
	2010	2009	2008
Claimant	856	895	885
Employer/Insurer	818	932	1,052
Subsequent Injury Fund	39	31	49
Uninsured Employers' Fund	20	30	12
TOTAL	1,733	1,888	1,998

Source: Commission Data, July 2010



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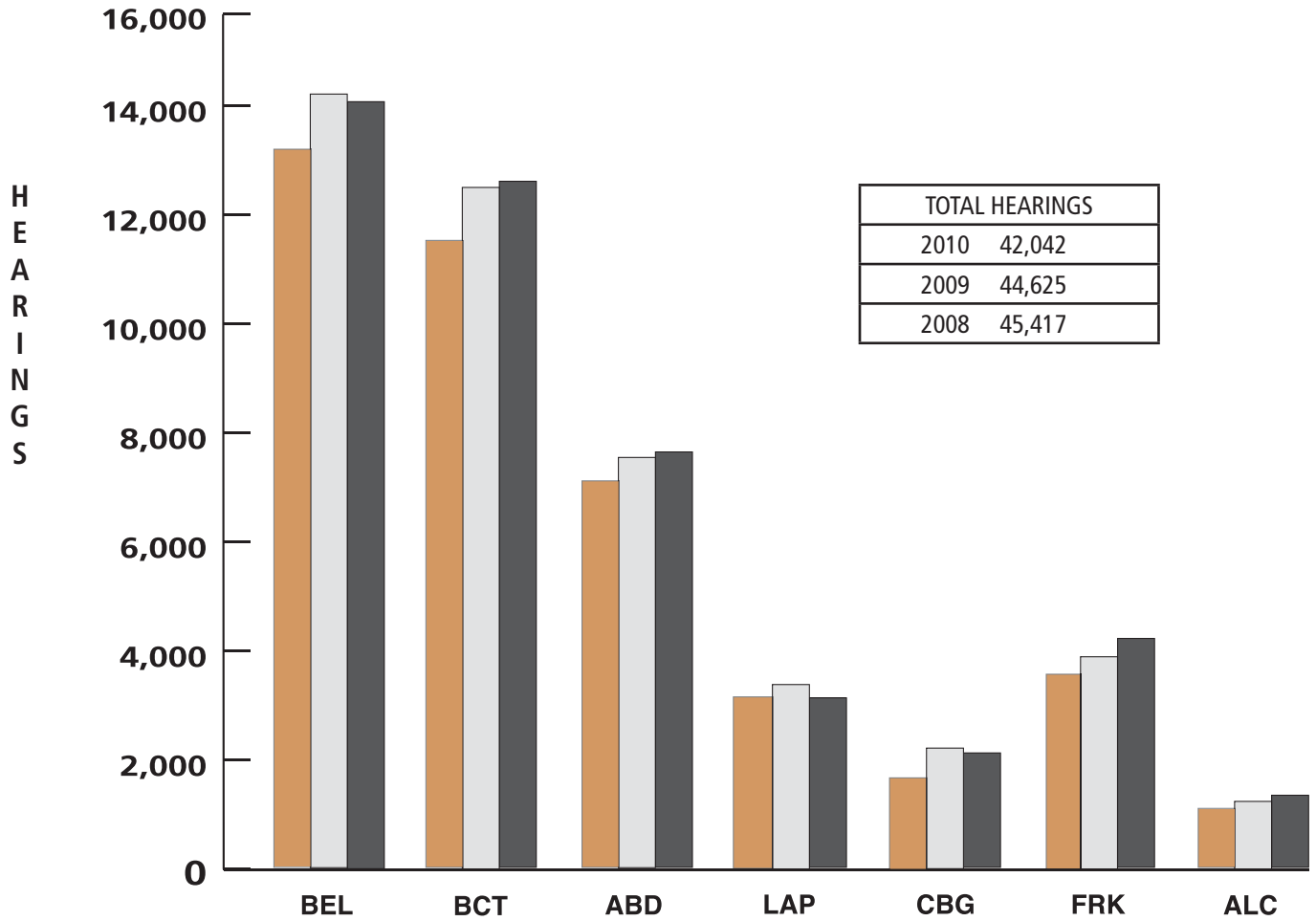
FIGURE 15 • Source of Claims and Appeals by Political Subdivision

JURISDICTIONS	FISCAL YEAR					
	2010		2009		2008	
	Claims	Appeals	Claims	Appeals	Claims	Appeals
Baltimore City	3,655	242	3,745	262	4,155	331
Baltimore County	3,966	339	3,734	352	3,991	375
Prince George's County	3,035	277	2,998	326	3,000	311
Montgomery County	1,990	185	1,987	270	2,224	206
Anne Arundel County	1,964	151	1,873	135	1,844	172
Harford County	937	81	1,065	87	1,098	102
SIX MAJOR METRO AREAS - COUNT	15,547	1,275	15,402	1,432	16,312	1,497
Percent of Total Filed Claims	67.6%	73.6%	68.1%	75.8%	67.8%	74.9%
Frederick County	762	58	663	58	740	83
Washington County	656	50	645	39	616	49
Carroll County	633	48	613	31	641	42
Howard County	533	39	527	71	545	83
Charles County	463	55	473	43	439	46
Wicomico County	384	21	327	32	399	31
Calvert County	263	26	294	26	366	22
Allegany County	320	20	318	38	332	28
Cecil County	306	45	304	30	355	38
St. Mary's County	300	25	323	14	357	23
Caroline County	278	20	269	6	221	7
Queen Anne's County	159	12	126	7	136	3
Worcester County	165	15	183	21	188	13
Dorchester County	170	9	148	14	200	9
Talbot County	92	2	91	8	84	10
Garrett County	114	10	105	8	111	4
Somerset County	81	2	76	3	86	5
Kent County	67	1	72	7	58	5
EIGHTEEN NON-METRO AREAS - COUNT	5,746	458	5,557	456	5,874	501
Percent of Total Filed Claims/Appeals	25.0%	26.4%	24.6%	24.2%	24.4%	25.1%
OUT-OF-STATE CLAIMS - COUNT	1,710		1,663		1,868	
Percent of Total Filed Claims	7.4%		7.3%		7.8%	
TOTAL	23,003	1,733	22,622	1,888	24,054	1,998
PERCENT OF CLAIMS APPEALED		7.5%		8.3%		8.3%

Source: Commission Data, July 2010

AGENCY PERFORMANCE

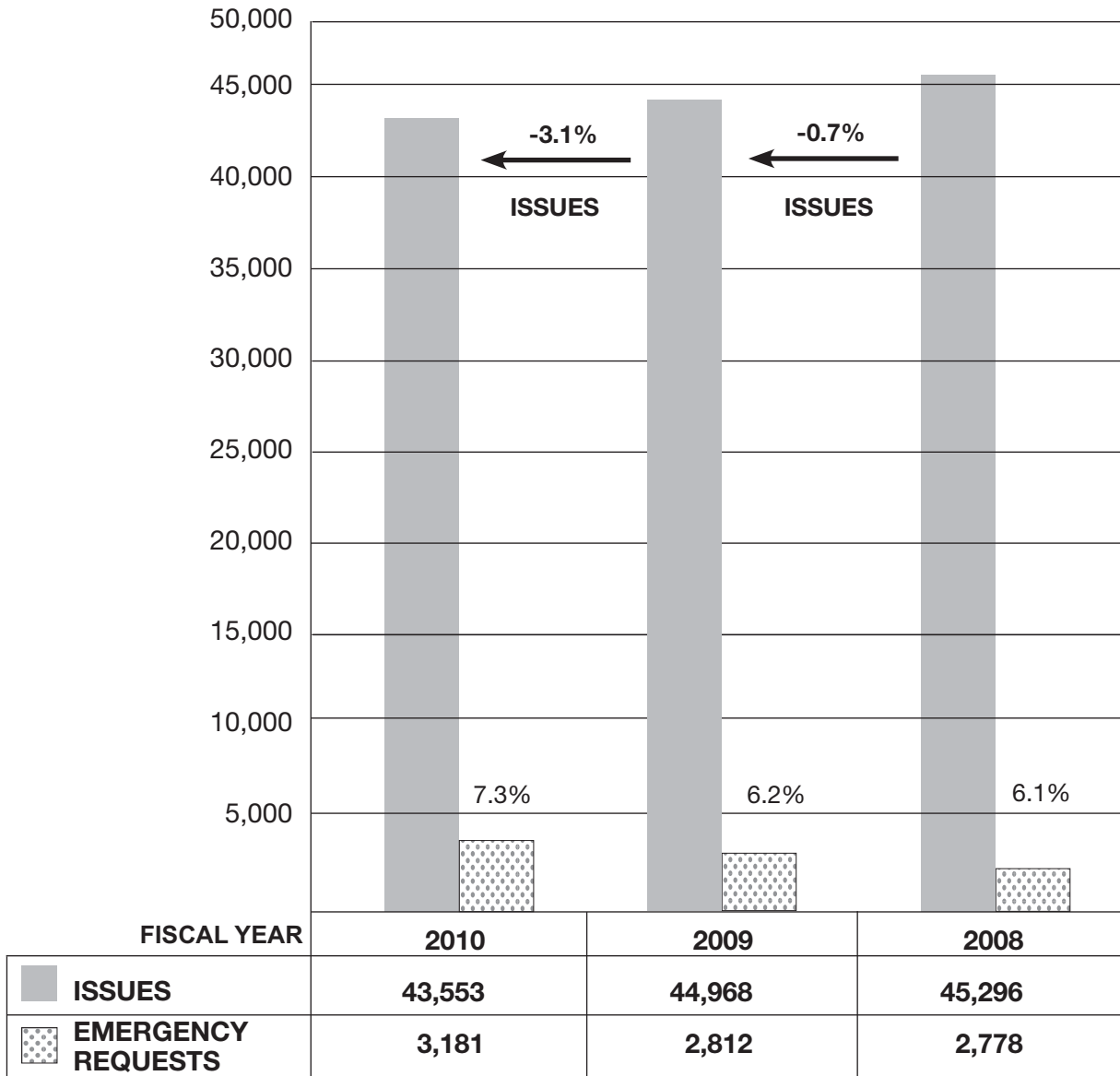
FIGURE 16 • Scheduled Hearing Distribution



	BELTSVILLE	BALTIMORE CITY	ABINGDON	LA PLATA	CAMBRIDGE	FREDERICK	CUMBERLAND
	BEL	BCT	ABD	LAP	CBG	FRK	ALC
2010	13,283	11,792	7,067	3,472	1,754	3,607	1,067
2009	13,865	12,336	7,643	3,622	2,062	3,991	1,106
2008	14,170	12,477	7,887	3,422	2,048	4,262	1,151

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FIGURE 17 • Emergency Hearing Requests on Filed Issues



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FIGURE 18 • Interpreter Office Program Statistics

ITEM	FISCAL YEAR		
	2010	2009	Change
Requests	2,311	2,092	10.5%
Interpretations Provided	1,585	1,458	8.7%
Requests Continued or Withdrawn	726	634	14.5%
Spanish Interpretations	1,433	1,306	9.7%
All Other Interpretations	152	152	0.0%
Percent Spanish	90.4%	89.6%	0.8%
Variety of Languages Provided	33	38	-13.1%

Source: Commission Data, July 2010

FIGURE 19 • Hearing Transcripts

CATEGORY	FISCAL YEAR		
	2010	2009	2008
Non Appeal Transcripts	1,644	1,427	1,291
Appeal Transcripts	1,737	1,722	1,780

Source: Commission Data, July 2010

FIGURE 20 • Vocational Rehabilitation Case Management

FISCAL YEAR 2010		
	Count	Percent
Return to Work		
Same Employer, Same Job	1,225	68.1%
Same Employer, Different Job	111	6.2%
New Employer, Same Occupation	30	1.7%
New Employer, Different Occupation	115	6.4%
Self-Employment	4	0.2%
Medical Issues, Not Employed	125	6.9%
Subtotal	1,610	89.5%
Employment Status Unknown		
Rehabilitation Services Declined	58	3.2%
Rehabilitation Program Dropout	96	5.3%
Claimant Moved Out of State	9	0.5%
Claimant Declined Job Offers	26	1.4%
Subtotal	189	10.5%
Total Vocational Rehabilitation Case Dispositions	1,799	100.0%

Source: Commission Data, July 2010

INSURANCE/SELF-INSURANCE

The Insurance, Compliance and Reporting Division continues to work with the Commission's Employer Compliance Manager to identify employers that are not covering their employees with workers' compensation insurance. The division contacted more than 2,000 employers to determine the status of their workers' compensation policies in the fiscal year.

The auditing of self-insured employers continues as well. The Commission completed six audits from fiscal year 2009 and initiated nine additional audits in fiscal year 2010. The audit results

assist the Commission in determining what policies and procedures require more clarity. The audits review all of the reporting facets for self-insured employers.

The annual Information Report form number was revised in the fiscal year to form number IC-1 from A-01. The IC-1's online system was enhanced again in 2010 to more closely resemble the paper form used in the past. We anticipate that this will eliminate some of the complexity involved in using the prior year's online system.

FIGURE 21 • Self-Insurance Program

ITEM	FISCAL YEAR		
	2010	2009	2008
Individual Self-Insurers and 1 Group	106	114	112
Covered Self-Insured Employees ⁽¹⁾	429.6 T	450.6 T	432.9 T
Covered Self-Insured Payroll ⁽¹⁾	\$20.8 B	\$20.2 B	\$19.3 B
Self-Insured Payroll as Percent of All Covered Payroll	17.4%	16.1%	15.7%
Security Held ⁽¹⁾	\$221.1 M	\$219.5 M	\$277.6 M
Commission Orders ⁽²⁾	28	34	26

T = Thousand, M = Million, B = Billion

⁽¹⁾ Source: A-01 Report 2008–2009 Note: 2010 and 2009 security includes active self-insurers only; 2008 includes active and terminated self-insurers

⁽²⁾ Commission Data 2009–2010

FIGURE 22 • Workers' Compensation Certification and Coverage Election

TYPE	FISCAL YEAR		
	2010	2009	2008
Certificates of Compliance	491	748	1,129
Coverage Exclusions	1,852	2,427	2,818
Coverage Inclusions	80	222	146

Source: Commission Data, July 2010

INSURANCE/SELF-INSURANCE

FIGURE 23 • Workers' Compensation Premium Rate Ranking

2008 Ranking	2006 Ranking	State	Median Index Rate	State % of Median
1	1	Alaska	3.97	176%
2	5	Montana	3.50	155%
3	12	Ohio	3.32	147%
4	7	Vermont	3.14	139%
5	8	Maine	3.04	135%
7	3	Delaware	2.96	131%
7	4	Kentucky	2.96	131%
8	9	Alabama	2.90	129%
9	13	Oklahoma	2.89	128%
10	21	Illinois	2.79	124%
11	11	Louisiana	2.76	122%
12	25	South Carolina	2.74	121%
13	2	California	2.72	121%
14	19	New Hampshire	2.70	120%
15	18	Pennsylvania	2.68	119%
16	23	New Jersey	2.66	118%
17	17	Texas	2.61	116%
18	30	Nevada	2.58	115%
19	10	New York	2.55	113%
20	14	Connecticut	2.46	109%
21	26	Tennessee	2.44	108%
22	37	North Carolina	2.43	108%
24	21	Minnesota	2.33	103%
24	32	Mississippi	2.33	103%
25	41	Georgia	2.29	102%
26	22	Rhode Island	2.26	100%
28	6	Florida	2.20	98%
28	25	Missouri	2.20	97%
29	16	District of Columbia	2.16	96%
32	27	New Mexico	2.15	95%
32	39	Michigan	2.15	95%
32	33	Nebraska	2.15	95%
34	35	Wisconsin	2.12	94%
34	32	Idaho	2.12	94%
36	15	Hawaii	2.08	92%
36	44	South Dakota	2.08	92%
37	29	Wyoming	2.06	91%
38	37	Washington	1.98	88%
39	42	Oregon	1.88	83%
41	34	West Virginia	1.86	83%
41	45	Iowa	1.86	82%
42	43	Kansas	1.77	78%
43	29	Colorado	1.76	78%
44	40	Maryland	1.72	76%
45	46	Arizona	1.67	74%
46	38	Utah	1.63	72%
47	48	Arkansas	1.61	71%
48	49	Virginia	1.43	63%
49	47	Massachusetts	1.39	62%
50	50	Indiana	1.23	55%
51	51	North Dakota	1.08	48%

Source: Research and Analysis Section, Oregon Department of Consumer and Business Services (Rev. 3/2009)

Note: Starting with the 2008 study, when two or more states have the same Index Rate, they now are assigned the same ranking.

INSURANCE/SELF-INSURANCE

FIGURE 24 • NCCI Voluntary Market Premium and Loss Data⁽¹⁾

(Amounts in Thousands of Dollars)								
CALENDAR YEAR								
Net Earned Premium	Nationwide		Maryland		Pennsylvania		Virginia	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
2008	23,115,933	101.4%	666,857	107.5%	2,489,641	96.4%	859,447	96.6%
2007	24,871,497	109.1%	655,500	105.7%	2,626,144	101.7%	932,679	104.8%
2006	24,968,672	109.5%	668,008	107.7%	2,620,364	101.5%	948,997	106.7%
2005 BASE	22,793,124	100.0%	620,294	100.0%	2,581,581	100.0%	889,795	100.0%
Incurred Losses								
2008	14,695,025	98.2%	453,183	120.6%	1,641,594	87.9%	615,442	106.5%
2007	15,405,644	102.9%	524,490	139.6%	1,949,814	104.4%	616,182	106.6%
2006	15,715,971	105.0%	468,350	124.6%	2,003,915	107.3%	612,310	105.9%
2005 BASE	14,968,593	100.0%	375,737	100.0%	1,867,361	100.0%	578,144	100.0%

Source: NCCI Annual Statistical Bulletin, 2010

⁽¹⁾The Voluntary Market Excludes IWIF and Self-Insurers



REVENUES/EXPENDITURES

The Commission collects an assessment from licensed workers' compensation insurers and self-insurers for the operating budget of the Commission as well as the Occupational Safety and Health Program within the Department of Labor, Licensing and Regulation (DLLR). During this fiscal year, \$22,408,672 was collected with \$10,177,248 being transferred to DLLR for the safety program. Of the money transferred to DLLR for the safety program, \$660,209 related to the Workplace Fraud Unit, which was established on

October 1, 2009 as part of the Workplace Fraud Act enacted during the 2009 legislative session. The remaining funds were disbursed as Commission operating expenditures. The fiscal year 2010 amended legislative appropriation for the Commission totaled \$13,669,425. This budget was amended to reduce the savings created by the temporary salary reduction and the furlough of state employees that became effective September 23, 2009.

FIGURE 25 • Licensed Insurers Writing Workers' Compensation Insurance

Fiscal Year	Licensed Insurers ⁽¹⁾	Licensed Insurers Billed	Percentage of Licensed WC Insurers
2010	618	327	52.9%
2009	651	274	42.1%
2008	659	279	42.3%

Source: Commission Data, July 2010

⁽¹⁾ Includes Self-Insurers

FIGURE 26 • Insurer Assessments and Commission Expenses

Fiscal Year	Assessment Base Insurer Payroll	Gross Commission Expense	Safety Program Cost	Net Commission Expense	Assessment per \$1,000 of Payroll
2010	\$108,195,546,586	\$22,440,617	\$10,177,248	\$12,263,369	0.207
2009	\$112,282,039,829	\$20,879,634	\$10,095,153	\$10,784,481	0.185
2008	\$102,210,947,969	\$22,038,459	\$ 9,261,289	\$12,777,170	0.209

Source: Commission Data, July 2010

REGULATORY/LEGAL UPDATE

Legislation

Exemption for Corporate or Limited Liability Company Officer
House Bill 405 (Chapter Number 669) specifies that officers of a close corporation incorporated outside of Maryland may elect to be exempt from workers' compensation coverage. The bill also allows officers of ordinary corporations to elect exemption from workers' compensation coverage. However, no more than five officers of an ordinary corporation may elect such an exemption.

Assessments for Uninsured Employers

House Bill 1295 (Chapter Number 731) increases the penalty assessment paid to UEF when the Commission awards a claim against an uninsured employer. The penalty assessment against the uninsured employer increases to at least \$500 but not more than \$1,000, as well as 15 percent of any award made in the claim, up to \$5,000 in any one claim.

Unpaid Work-based Learning Experiences

Senate Bill 58 (Chapter Number 209) establishes that individuals placed in unpaid work-based learning experiences by the Maryland State Department of Education's Division of Rehabilitation Services (known as DORS) are considered "covered employees" under the workers' compensation law. As "covered employees," these individuals are eligible for medical services and treatment for work-related injuries. Legislation enacted in 2003 established similar "covered employee" status to high school students participating in unpaid work-based learning experiences that are coordinated by a county board or private noncollegiate institution. Employers sponsoring "DORS consumers" must maintain workers' compensation coverage for these individuals throughout the course of their employment. The Department of Education must reimburse employers, up to \$250 per participant, for premium increases associated with adding DORS consumers to their workers' compensation insurance policies.

Regulatory Updates

14.09.01.19 – The Commission adopted emergency regulations to ensure immediate compliance with the guidelines issued by the Centers for Medicare and Medicaid Services ("CMS") involving the settlement of future medical benefits.

14.09.01.25 – The Commission adopted amendments to the calculation of attorney's fees in certain cases.

14.09.05 – The Commission adopted substantial amendments to clarify the procedures to be utilized in the selection of vocational rehabilitation practitioners, formulation of vocational rehabilitation plans and the resolution of disputes regarding same.



REGULATORY/LEGAL UPDATE

Appellate Opinions

Schlosser, et al. v. UEF, et al.

COA No. 112, September Term 2009

Opinion by Battaglia, J. (05.12.10)

Principal contractor not liable to pay workers' compensation benefits to a subcontractor's employee who worked wholly outside of Maryland when injured on the job.

Anderson/Robinson v. Montgomery County

COSA No. 2853 (2008) and 0604 (2009)

Opinion by Meredith, J. (05.06.10)

Neither the plain language nor the legislative history of §9-629 supports the contention that the Commission is precluded from considering the total compensation awarded as a consequence of a single accident in making its determination of whether the second-tier compensation benefit rate is applicable.

Wilson v. Shady Grove

COSA No. 2588, Sept. Term, 2008

Opinion by Davis, J., (03.31.10)

Evidence, at a minimum, must establish beyond mere conjecture or guess that the injury could have caused the consequence and that there was no other intervening cause.

Granite State v. Hernandez

COSA No. 2497, September Term, 2008

Opinion by Thieme, J., (03.30.10)

Where no reasonable inference from the facts supports a Commission finding, a Circuit Court decision affirming the Commission is erroneous whether based upon the presumption of correctness or an independent evaluation of the evidence.

Darby v. Marley Cooling Tower, Co., et al.

190 Md.App. 736 (03.01.10)

Maryland Rule 7-203(b) presupposes need for a cross-appeal from portion of administrative agency decision aggrieving cross-appellant. A non-petitioning party has no protected interest in the continuation of a matter at the circuit court after the petitioning party chooses to unilaterally and voluntarily dismiss the petition.

Holmes v. Wal Mart (cert. granted)

187 Md.App. 690 (09.02.09)

Under §9-632(d) a deceased workers' right to permanent partial disability benefits survives to his or her spouse unless the surviving spouse has agreed to or has been adjudicated to have given up his or her right of support.

Montgomery County v. Willis

187 Md.App. 514 (08.28.09)

A decision by the Commission to grant or deny a request for a referral pursuant to LE §9-310.2 is a final appealable order, from which a party has the right to seek judicial review.

Bridgett v. Montgomery County

186 Md.App. 616 (07.07.09)

A Commission decision as to compensability is prima facie correct and not subject to a Motion for Summary Judgment if it is supported by a minimum of evidence.

UEF v. W.M. Schlosser Co., Inc.

(Rev'd. Schlosser v. UEF (May 12, 2010))

186 Md.App. 599 (07.07.09)

An injured workers' status as a covered employee under LE §9-203(a) is not undone by virtue of LE §9-508. The concept of statutory employer liability was designed to provide an injured worker with an award of compensation from either the subcontractor or the principal contractor and, irrespective of which he chooses to pursue, the awards are to be alike in every respect.

COMMITTEES

Maryland General Assembly Workers' Compensation Benefit and Insurance Oversight Committee

Chapters 590 and 591 of the Acts of 1987 established the Maryland General Assembly Workers' Compensation Benefit and Insurance Oversight Committee. The committee was developed to:

- Examine and evaluate the condition of the workers' compensation benefit and insurance structure in Maryland and the impact these laws have on that structure.
- Review, with respect to adequacy and appropriateness, the changes made to the permanent partial benefits laws and make recommendations for necessary changes.
- Report to the governor and the Legislative Policy Committee on December 31 of each year.
- Monitor, review and comment on salient workers' compensation issues for the Maryland legislature.

The committee membership includes representatives from the legislative, medical, legal and labor sectors, as well as the general public. The committee is co-chaired by an appointed State Senator and a House of Delegates member.

2010 Committee Roster

Senator Nathaniel Exum, *Presiding Chairman*

Delegate Carolyn J. Krysiak, *Co-Chairman*

Senator Allan H. Kittleman

Delegate Joseph J. Minnick

Representative of Maryland Business Community:

Mary Anne Reuschling

Representative of the Maryland Labor Organization:

Jerome S. Lozupone

Representative of the Maryland Building and Construction Labor Organization:

Roderick Easter

Two Members of the Public:

Deborah Fajer-Smith, Esq.

Vacancy

Member of the Insurance Industry:

H. Glenn Twigg, Jr.

Member of a Workers' Compensation Rating Organization:

Lori Lovgren, Esq.

Member of the Medical and Chirurgical Faculty of Maryland:

Kenneth R. Lippman, M.D.

Members of the Bar:

Rudolph L. Rose, Defense Lawyer

P. Matthew Darby, Plaintiff Lawyer

Maryland Certified Rehabilitation Service Provider:

Kathy M. Stone

Workers' Compensation – Ex-Officio:

Commissioner Maureen Quinn

Committee Staff:

Tamela D. Burt and Erica White,

Department of Legislative Services

Governor's Advisory Committee on Budget of State Workers' Compensation Commission

Pursuant to the requirements of Labor and Employment Article §§ 9-317 and 9-318, a Budget Advisory Committee was established to review the annual proposed operating budget of the Workers' Compensation Commission and make recommendations to the Commission. The Budget Advisory Committee will perform these reviews and make its recommendations by November 1 of each year. The committee submits its annual report and recommendations to the governor and legislature by December 1 of each year.

2010 Committee Roster

Patrick A. Roberson, Esq.

Kathleen Fink, M.D.

Kevin P. Foy, Esq.

Stephen G. Fugate

Mark T. Hackman, Esq.

Melinda L. Hayes

Sandra I. Dorsey

Jeff Horowitz, Esq.

Mark G. Comeau

Michael J. Schreyer, Esq.

Karen Ebersole

COMMITTEES

Medical Fee Guide Revision Committee

The Medical Fee Guide Revision Committee (MFGRC) was established in response to Labor and Employment Article 9-663(b)(3). It reviews medical and surgical fees for completeness and reasonableness as well as provides a forum for discussing the fee guide. The MFGRC, whose membership consists of an equal number of payers and receivers of workers' compensation medical benefits, engages in an ongoing analysis of reimbursement rates and recommends modifications to the Commission. In 2008 the guide was fully incorporated into COMAR and was updated to include an annual adjustment factor that will help reimbursement rates stay current. The committee met in June 2009 and discussed the most recent fee increases and the need for additional recommendations to include an increase in the Independent Medical Exam (IME) fees.

2010 Committee Roster

Commissioner Kenneth G. Macleay, *Committee Chair*
 Neil A. Robinson, M.D., Physician Adviser, WCC
 Monica Matthews, Committee Secretary, WCC

Payers

Rudolph Rose, Esq.
 Dennis Carroll, Esq.
 Beth Porter
 Michael Levin, Esq.
 Ken Stoller, Esq.
 Craig J. Ross, DO
 Antonio R. Lopez, Esq.

Receivers

Gregory M. Gilbert
 P. Matthew Darby, Esq.
 Keith A. Segalman, M.D.
 Derek Kram, M.D.
 Eric Gordon, PT
 Charles Thorne, D.C.

Advisory Committee on the Registration of Rehabilitation Practitioners

The Advisory Committee on the Registration of Rehabilitation Practitioners was formed by the Workers' Compensation Commission in 1997. The committee's role is to review, evaluate and provide recommendations to the Commission regarding a vocational rehabilitation practitioner's application when questions or clarifications are needed. Members are appointed to a three-year term by the Workers' Compensation Commission. The committee consists of seven members who are certified rehabilitation practitioners (Labor and Employment Article, Section 9-6A-05).

2010 Committee Roster

Charles Smolkin, M.S., LCPC, CRC, CVE, MSRSP
Committee Chair
 Susan Budden, M.S., CRC, MCRSP
 Cathryn Gustafson, R.N., WCCM, MCRSP
 Janet Spry, Ph.D., CRC, LPC, MCRSP
 Vickie Butts, R.N., WCCM, CRN, MCRSP
 Kathy M. Stone, M.S., CDMS, CCM, MCRSP
 Mary Sevinsky, M.S., CRC, CCM, MCRSP

COMMITTEES

Work Group to Study Death Benefits for Dependents

The Work Group to Study Death Benefits for Dependents was established in July 2009 (Chapters 616 & 617, Acts of 2009). The work group considers possible statutory changes to ensure fair and equitable death benefits to individuals wholly and partially dependent on a covered employee.

The work group submitted its report to the Senate Finance Committee and House Economic Matters Committee on December 9, 2009.

2010 Committee Roster

R. Karl Aumann, *Committee Chair, WCC*
 Dennis W. Carroll, Esq.
 Michael L. Dailey, Esq.
 Paula S. Etting, Esq.
 Mark T. Hackman, Esq.
 Andrew H. Kahn, Esq.
 Heather H. Kraus, Esq.
 James A. Lanier, Esq.
 Commissioner Maureen Quinn
 Clifford B. Sobin, Esq.
 Barbara J. Windsor
 Gene S. Ryan

Online Services Advisory Council

The Online Services Advisory Council (OSAC) was formed to serve as a forum for two-way communication with the Commission to improve the effectiveness of online experiences, and to make it easier and more accessible to conduct business with the Commission online. Membership consists of representatives from all areas of the workers' compensation community. Members are asked to share ideas and comments regarding current and future online services at <http://www.wcc.state.md.us>.

The Commission is committed to a high level of stakeholder communication and feedback. Throughout the year, members may be contacted via e-mail or phone to provide subject matter expertise on proposals or invited to participate in pre-release reviews of new online products and services. Suggestions and criticisms from OSAC members help the Workers' Compensation Commission to continue to provide innovative online products and services that facilitate conducting business with the Commission.

For more information about OSAC, please send an e-mail request to the MDWCC Online Services Advisory Council at mdwccosac@wcc.state.md.us.

2010 Committee Roster

Joyce McNemar, *Committee Chair*
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NOTES

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Southern Region-La Plata

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403 Charles Street
La Plata, MD 20646

Northeast Region-Abingdon

3465 Box Hill Corporate Center Drive, Suite E
Abingdon, MD 21009

Eastern Shore Region-Cambridge

828 Airpax Road, Building B, Suite 400
Cambridge, MD 21613

Northwest Region-Frederick

1890 North Market Street, Suite 200
Frederick, MD 21701

Baltimore City

10 East Baltimore Street
Baltimore, MD 21202

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