

Title 14

INDEPENDENT AGENCIES

Subtitle 09 WORKERS' COMPENSATION COMMISSION

14.09.02 Requirements for Filing and Amending Claims

Authority: Labor and Employment Article, §§9-309, 9-314, 9-402, 9-404, 9-602, 9-701, 9-709—9-711, and 9-736; State Government Article, §10-1103; Annotated Code of Maryland

Notice of Proposed Action

[17-227-P]

The Workers' Compensation Commission proposes to amend Regulations **.02** and **.03** under **COMAR 14.09.02 Requirements for Filing and Amending Claims**. This action was considered at a public meeting held on June 22, 2017, notice of which was given by publication in 44:11 Md. R. 573 (May 26, 2017), pursuant to General Provisions Article, §3-302(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require that claims by represented claimants be filed electronically, to simplify the electronic filing and acceptance of claims, and to remove the obsolete requirement that service of papers be made by mail.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Amy Lackington, Administrator, Workers' Compensation Commission, 10 E. Baltimore Street, Baltimore, MD 21202, or call 410-864-5300 (TTY 800-735-2258), or email to alackington@wcc.state.md.us, or fax to 410-864-5301. Comments will be accepted through January 22, 2018. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Workers' Compensation Commission during a public meeting to be held on February 8, 2018, at 10 E. Baltimore Street, Baltimore, MD 21202.

.02 Requirements for Filing and Amending Claims.

A. Claim for Benefits.

(1) To initiate a claim for benefits, an employee shall file a claim form with the Commission[.] *as follows:*

(a) *If represented by counsel, counsel shall file the claim on behalf of the employee electronically through the WFMS; or*

(b) *If unrepresented by counsel, the employee may file the claim:*

(i) *Electronically through the public portal; or*

(ii) *By paper form.*

(2) The Commission shall reject [and return to the claimant] a claim form that does not contain sufficient information to process the claim, including:

(a) — (g) (text unchanged)

(3) — (6) (text unchanged)

(7) The Commission shall reject [and return to the claimant] a claim form that does not contain a signed authorization for disclosure of health information.

(8) Date of Filing When Filed [Exclusively] by Paper Form.

(a) (text unchanged)

(b) For any claim form that has not been rejected [or returned] as incomplete under §A(2) of this regulation, the Commission's date of receipt is determined by the date stamp affixed on the claim form.

(9) Date of Filing [Following Electronic Submission] *When Submitted Electronically.*

[(a) A claim that is submitted electronically is not considered filed until the signed claim form, including the signed authorization for disclosure of health information, is received by the Commission in person or by mail addressed to the Commission's principal office in Baltimore City.]

[(b)] (a) For any claim form that has not been rejected [or returned as incomplete] under §A(2) of this regulation, the [Commission's] date of receipt is determined by the date stamp affixed on the electronically submitted claim form, provided that the signed claim form, including the signed authorization for disclosure of health information, is [received] *verified* by the Commission [in person or by mail addressed to the Commission's principal office in Baltimore City within 30 days of the electronically submitted claim].

[(c)] (b) [For any] A claim electronically submitted but not [received] *verified* by the Commission as provided in §A(9)(b) of this regulation[, the claim will be dismissed without prejudice] *is not considered filed.*

B. (text unchanged)

C. Amendment of Claim to Add or Remove a Body Part.

(1)—(4) (text unchanged)

(5) The Commission shall reject [and return to the claimant] a claim amendment form that does not contain a signed authorization for disclosure of health information.

.03 Amendment of Claim to Add an Additional Party, Including the Subsequent Injury Fund and Uninsured Employers' Fund.

A. — B. (text unchanged)

C. Impleading the Subsequent Injury Fund.

(1) — (2) (text unchanged)

(3) Within 10 days of filing the Request to Implead a Party form, and any other required documents, the impleading party shall provide the following to the SIF and all other parties to the claim:

(a) — (b) (text unchanged)

(c) A certification providing that a copy of the Request to Implead a Party form, along with all required information and documents, have been [mailed to] *served on* the SIF and all other parties to the claim.

(4) (text unchanged)

R. KARL AUMANN
Chairman