



Maryland Workers' Compensation Commission

Annual Report **Fiscal Year 2007**

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

It is with an enormous sense of accomplishment and with deep gratitude that on behalf of the entire Maryland Workers' Compensation Commission, I present our 2007 Annual Report. The Commission has, again, built on its solid foundation by improving our service to the community. Strong governance, careful stewardship and the highest ethical standards guide our operations daily.

The past year presented itself with new challenges and projects and I am proud of the entire Commission staff which consistently exceeded expectations in meeting these needs. My personal thanks go to every member of this outstanding team of people dedicated to public service. I believe they are the unsung heroes responsible for making Maryland's system of adjudicating compensation claims among the very best in the country.

Of particular note, our five regional hearing sites are fully operational and successfully serving everyone in the workers' compensation community. We again have all ten commissioners, confirmed and on board, hearing claims and keeping the caseload moving. Our technological improvements continue to progress in a number of areas, as we try to further reduce the use of paper in our operation. All of these efforts are undertaken to meet our mission of providing an efficient and fair forum for injured workers and their employers.

In closing, I would like to extend my appreciation to Governors Robert L. Ehrlich, Jr. and Martin O'Malley for their consistent support of our agency. Maryland continues to be a national model in the area of workers' compensation thanks to the commitment of our executive and legislative leaders.

Sincerely,

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*

R. Karl Aumann was appointed Commissioner of the Workers' Compensation Commission in February 2005 and subsequently was appointed as Chairman in October 2005 by Governor Robert L. Ehrlich, Jr. He attended Calvert Hall College High School and earned a Bachelor of Arts in political science from Loyola College in Maryland in 1982. Chairman Aumann earned his J.D. in 1985 from the University of Baltimore School of Law and was admitted to the Maryland Bar in 1986. As an attorney, he was an associate with the Towson firm of Power & Mosner, now Bodie, Nagle, Dolina, Smith & Hobbs, and later with the Baltimore office of Miles & Stockbridge. During his five years with those firms, he specialized in toxic tort, product liability and medical malpractice litigation.

In 1991, R. Karl Aumann was appointed by President George H. W. Bush as Counsel and Senior Policy Advisor to the Appalachian Regional Commission. When Governor Ehrlich was elected to the U.S. Congress in 1994, Mr. Aumann became his Chief Administrator and District Director, a position he held until 2003. His responsibilities included office oversight and policy development, with special focus on international relations.

Appointed by Governor Ehrlich to be Secretary of State of Maryland on January 15, 2003, Mr. Aumann was confirmed unanimously by the State Senate on January 31, 2003. As Secretary, he oversaw various office divisions, including legal services, international relations and COMAR/Maryland Register. He also chaired the Governor's Subcabinet on International Affairs, the Governor's Commission on Maryland Military Monuments and the Interagency Council for the Nonprofit Sector.



Mary K. Ahearn, *Executive Director of Administration*

Mary K. Ahearn was appointed Executive Director of Administration of the 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 now serves as President of the Southern Association of Workers' Compensation Administrators, has completed the course of study at the International Workers' Compensation College, and is an at-large member of the Executive Committee of the International Association of Industrial Accidents Board and Commissions. In addition to eight years of experience with the Commission, Ms. Ahearn has more than ten years of management and administrative experience in the public and private sectors. She sits on the Board of Directors of the Maryland Chapter of the Juvenile Diabetes Research Foundation International and will co-chair the foundation's Baltimore Walk for the Cure at Orioles Park in spring 2008.



BIOGRAPHIES

Patricia G. Adams, *Commissioner*

Patricia G. Adams returns for another term to the Commission. She was appointed 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 Workers' Compensation Commission by Governor Robert L. Ehrlich, Jr. in 2006. 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. In 1991, he founded Herwig & Humphreys, LLC with the late Robert L. Humphreys, Jr. and served as the managing partner until his appointment to the Commission. Throughout his twenty-five 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 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 in 1991, Commissioner Macleay joined a litigation firm in Baltimore, Maryland 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 twenty-three 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, the rental car industry and workers' compensation legislation. 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 José Martí, a Cuban patriot, erected in Baltimore City. Commissioner Macleay is a member of the American Bar Association and the Anne Arundel County Bar Association. He is also a member of the Association for Transportation Law, Logistics and Policy and other educational associations.



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. Currently, she serves on the Board of Directors of the University of Baltimore Alumni Association and the Citizens' Review Board for Children for Montgomery County, Maryland.



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 the American University, where she was a recipient of the Stafford Cassell Award for Governmental Leadership. She engaged in the private practice of law as a trial attorney from 1987 until 2002, and established her own law firm in 1995 where her primary focus was 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 fourteen 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 of Arts in history and from the Wake Forest University School of Law. Commissioner Ward served as a law clerk to the Honorable Dale R. Cathell, Judge, Court of Special Appeals of Maryland, and the Honorable Robert M. Bell, Chief Judge, Court of Appeals of Maryland. She was employed with the Office of the Attorney General in 1993, where she worked in the Opinions and Advice, Criminal Appeals, and Civil Litigation divisions and 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 is a member of the Monumental Bar Association, the National Association of Women Law Judges and the American Judges Association.



John R. Webster, Jr., *Commissioner*

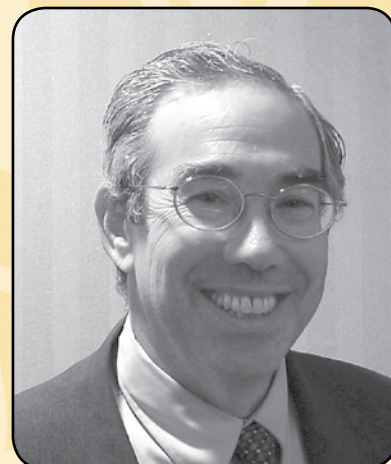
John R. Webster, Jr. was appointed a member of the Maryland Workers' Compensation Commission in December 1997 by Governor Parris N. Glendening. He completed his undergraduate degree at the University of Maryland and received his law degree from George Washington University where he graduated with honors. Commissioner Webster spent twenty-four 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, Maryland State Bar Association, American Bar Association and American Trial Lawyers Association.



BIOGRAPHIES

Jeffrey T. Weinberg, *Commissioner*

Jeffrey T. Weinberg was appointed 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. He was a law clerk, associate and partner at Goodman, Meagher & Enoch, and practiced primarily in workers' compensation. Commissioner Weinberg has been a board member and Past President of the Maryland Workers' Compensation Educational Association, past Chairman of the Bar Association of Baltimore City Workers' Compensation Section, and past member of the Workers' Compensation Medical Fee Advisory Committee. He is a past member of the Maryland Trial Lawyers Association Workers' Compensation Committee as well as its Vice Chairman from 2005 to 2006 and a past member of its Legislative Committee.



Michele J. McDonald, *Principal Counsel*

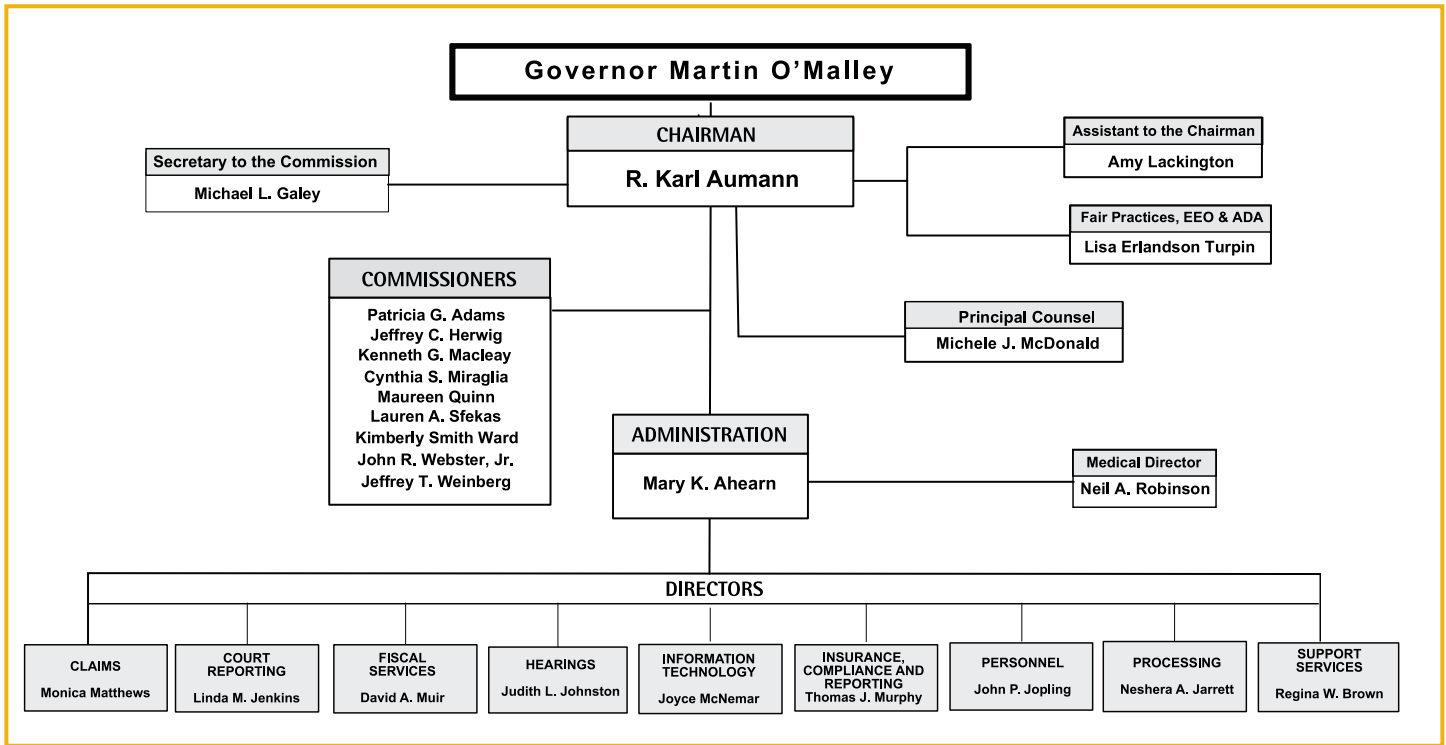
Michele J. McDonald is a graduate of Swarthmore College and the University of Maryland School of Law, where she was articles editor for the *Maryland Law Review*. She served as a judicial clerk to the Honorable Theodore G. Bloom, Maryland Court of Special Appeals. She joined the Office of the Attorney General in 1993 and has advised and represented the Department of Economic and Employment Development, the Department of Labor, Licensing and Regulation, and numerous other agencies. Since 1996, she has represented the Department of Public Safety and Correctional Services in civil rights, employment and labor litigation. She is a frequent lecturer on state personnel, discrimination, and administrative law for the Maryland Institute for Continuing Professional Education of Lawyers and the American Correctional Association. She serves on the Board of Directors of the Women's Law Center, St. Pius X Elementary School Board, and as immediate past Chair of the Maryland State Bar Association's Administrative Law Section.



The Principal Counsel provides the Workers' Compensation Commission with general legal counsel on issues pertaining to personnel, self-insurance, contracts and procurement, litigation, and regulation.

ORGANIZATIONAL CHART

Workers' Compensation Commission



June 2007

Directors



Pictured (back row, left to right) Judith Johnston, Amy Lackington, Joyce McNemar, Monica Matthews, Michael Gale, Linda Jenkins, Regina Brown (front row, left to right) Lisa Erlandson Turpin, Neshera Jarrett, Thomas Murphy, Mary Ahearn, John Jopling (not pictured: David Muir, Neil Robinson, M.D.)

FULFILLING OUR MISSION

The employees of the Maryland Workers' Compensation Commission are dedicated to fulfilling the Commission's mission.

Lally Abraham
 Mary Ahearn
 Patricia Adams
 Sidney Albert
 Nancy Allen
 Alf Alvestad
 Delise Andrews
 R. Karl Aumann
 Lanier Ball
 Christopher Barrett
 Selenia Bea
 Kim Bowman
 Olethia Bowman
 Kathy Bibo
 Diane Brice
 Terence Broomes
 Joyce Brown
 Regina Brown
 Dorothy Bryant
 Priscilla Byrd
 Joyce Campbell
 Tonia Carter
 Arlene Carter-Herbert
 Yolanda Cheatham
 Kathleen Cole
 Doris Coleman
 Bernadette Cox
 Bert Davis
 Clara Davis
 Leanne Dotson
 Beverly Dennis
 Nancy Donius
 Marvin Dorsey
 Carolyn Drury
 Angela Eberhart
 Naomi Edwards
 Vaughn Foreman

Barbara Forrest
 Glenda Freeman
 Evelyn Fuller
 Michael Galey
 Corey Genco
 Kent Gooch
 John Grap
 Sean Gray
 Venus Gray
 Kathy Green
 Clinton Gregory
 Stephen Griffin
 Sabrina Hameed
 Latonya Hamlin
 Melody Harrison
 Shirleen Henderson
 Jeffrey Herwig
 Shelia Heward
 Loretta Hicks
 Vera Hope
 Patricia Hoppert
 Sue Houghland
 Sharon Isenberg
 Neshera Jarrett
 Linda Jenkins
 Shannon Johnson
 Judith Johnston
 Darlene Jones
 Steven Jones
 John Jopling
 Valeriy Karpov
 Kim Kløver
 Andrew Knowles
 Amy Lackington
 Richard LaFata
 Leona Lancaster
 Earl Leach

Keven Lehmann
 Larrice Logan
 Jim MacDonald
 Kenneth Macleay
 Tricia Madden
 Jill Maszon
 Monica Matthews
 Tom Maxon
 Joe McCray
 Michele McDonald
 Cheryl McLorn
 Joyce McNemar
 Jacqueline Megginson
 J. Max Millstone
 Cynthia Miraglia
 James Moore
 Douglas Morin
 David Muir
 Carl Muldrow
 Tom Murphy
 Millette Murry-Wright
 Carolyn Nelson
 Theresa Nickey
 Hastings Nyekanyeka
 David O'Hara
 Kevin Opher
 Thomas Patrick O'Reilly
 Teresa Palugi
 Pam Pazda
 Glen Payne
 Derry Pemberton
 Cleveland Powell
 Sheldon Press
 Jacqueline Proctor
 Maureen Quinn
 Melody Ray
 Wendy Redden

Neil Robinson
 Tammy Savage
 Claudia Scott
 Lauren Sfekas
 Vera Shalito
 Shantana Smith
 Dorothy Smith
 Linda Solomon
 Starola Sparrow
 Karen Spence
 Christel Surdokas
 Cherry Tate
 Barbara Taylor
 Muriel Taylor
 Deborah Thomas
 James Tucker
 Lisa Erlandson Turpin
 Betty Walker
 Barbara Walton
 Kimberly Smith Ward
 Kevin Watkins
 John Webster
 Kelly Weeks
 Jeffrey Weinberg
 Alice Welsh
 Frazier West
 Jessica Whalen
 Christina White
 Bernard-Edward Wier
 Steve Wilson
 Debra Wunner
 Tanya Wynn
 Barbara Young
 Yung-Sheng Yu

CLAIMS

Filed claims in 2007 decreased by 4.7 percent as compared to last year's decrease of 3.6 percent. The metropolitan jurisdictions showed the majority of this drop in claims again this year. Claims filed from each of the six major metropolitan areas (Anne Arundel County, Baltimore City, Baltimore County, Montgomery County, Prince George's County and Harford County) decreased.

Based on award data, the average permanent partial award increased to \$17,554, a 6.1 percent increase compared to last year, whereas the average weekly wage increased 5.9 percent. The growth rate of compromise and settlement awards reversed the trend of outpacing the growth rate of permanent partial awards. This year's

average award of \$18,024 is a 3.8 percent increase over the prior year's average award. In 2007, compromise and settlement awards were 2.7 percent higher than permanent partial awards.

Maryland continues to rank the 12th lowest state (out of 51 including Washington, D.C.) nationally in premium rates. The National Council on Compensation Insurance, Inc. (NCCI) reported that incurred losses since 2002 have decreased at a faster pace in Maryland than in Pennsylvania and Virginia. The national average for incurred losses has increased. Premium growth has been comparable to our neighboring states but slightly higher than the national average.

FIGURE 1 • Filed Claims

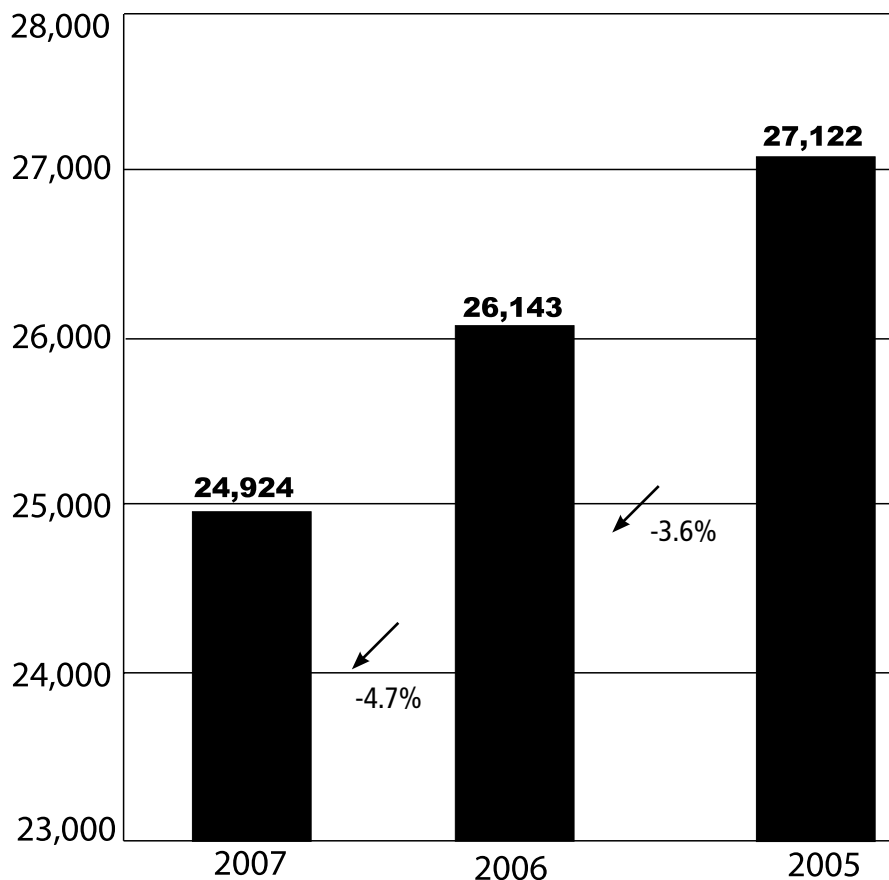


FIGURE 2 • Filed Claims by Market Segment

MARKET SEGMENT	FISCAL YEAR					
	2007		2006		2005	
	Count	Percent	Count	Percent	Count	Percent
Voluntary Market Insurers	12,012	48.2%	12,785	48.9%	13,111	48.3%
Injured Workers' Insurance Fund	5,597	22.5%	6,068	23.2%	6,924	25.5%
Self-Insured						
Governmental Entities	4,552	18.3%	4,488	17.2%	4,229	15.6%
Hospitals	727	2.9%	632	2.4%	773	2.9%
Other Self-Insured Employers	1,256	5.0%	1,128	4.3%	1,239	4.6%
Other Private Groups	346	1.4%	430	1.6%	348	1.3%
Other – Uninsured	434	1.7%	613	2.3%	498	1.8%
TOTAL	24,924	100.0%	26,143	100.0%	27,122	100.0%

Source: Commission Data, July 2007

FIGURE 3 • Source of Filed Claims by Political Subdivision

JURISDICTIONS	FISCAL YEAR		
	2007 Claims	2006 Claims	2005 Claims
Baltimore City	4,425	4,497	5,036
Baltimore County	4,015	4,425	4,644
Prince George's County	3,201	3,315	3,112
Montgomery County	2,163	2,307	2,289
Anne Arundel County	1,951	2,056	2,229
Harford County	1,063	1,213	1,194
SIX MAJOR METRO AREAS - COUNT	16,818	17,813	18,504
Percent of Total Filed Claims	67.5%	68.1%	68.2%
Frederick County	804	841	912
Washington County	652	686	880
Carroll County	729	682	672
Howard County	554	575	591
Charles County	493	526	456
Wicomico County	408	403	436
Calvert County	393	394	406
Allegany County	303	360	358
Cecil County	359	403	354
St. Mary's County	327	368	348
Caroline County	178	191	201
Queen Anne's County	155	168	200
Worcester County	173	161	176
Dorchester County	128	163	173
Talbot County	101	91	118
Garrett County	136	107	114
Somerset County	92	114	110
Kent County	67	70	75
Unclassified	–	4	3
EIGHTEEN NON-METRO AREAS - COUNT	6,052	6,307	6,583
Percent of Total Filed Claims	24.3%	24.2%	24.3%
OUT-OF-STATE CLAIMS - COUNT	2,054	2,023	2,035
Percent of Total Filed Claims	8.2%	7.7%	7.5%
TOTAL	24,924	26,143	27,122

Source: Commission Data, July 2007

FIGURE 4 • Filed Claims by Industry

INDUSTRIES WITH MORE THAN 100 FILED CLAIMS	FISCAL YEAR					
	2007		2006		2005	
	Count	Percent	Count	Percent	Count	Percent
Policemen - Security	2,154	8.6%	2,247	8.6%	1,753	6.5%
Truckmen NOC	1,370	5.5%	1,467	5.6%	1,145	4.2%
Colleges or Schools Including Day Care	1,418	5.7%	1,324	5.1%	914	3.4%
Building, Raising or Moving - General Construction	1,006	4.0%	1,065	4.1%	830	3.1%
Hospitals - All Other Employees	896	3.6%	753	2.9%	640	2.4%
Total of Top Five Industries in Filed Claims	6,844	27.5%	6,856	26.2%	5,282	19.5%
Hotels, Restaurants, Bars and Nightclubs	763	3.1%	886	2.7%	731	2.7%
Firemen Including Volunteer Department and Ambulance Service	558	2.2%	627	2.4%	424	1.6%
Meat Combined Grocery and Provision Stores Retail	500	2.0%	625	2.4%	518	1.9%
Automobile Garages or Repair Shops Including Dealers	403	1.6%	506	1.9%	395	1.5%
Taxicab and Bus Companies	527	2.1%	500	1.9%	384	1.4%
Convalescent or Nursing Homes All Employees	487	1.9%	485	1.9%	462	1.7%
Carpentry NOC - Renovations	411	1.6%	484	1.9%	315	1.2%
Clothing or Dry Goods Stores Retail	292	1.2%	393	1.5%	236	0.9%
Municipal Township County or State Employees NOC	369	1.5%	382	1.5%	320	1.2%
Storage Warehouses General Merchandise NOC	325	1.3%	347	1.3%	243	0.9%
Clerical Office Employees NOC	315	1.3%	311	1.2%	315	1.2%
Charitable Organizations (Goodwill)	261	1.0%	299	1.1%	209	0.8%
Plumbing - Steam Fitting	221	0.9%	272	1.0%	185	0.7%
Store Risks Wholesale or Combined NOC (K-Mart)	326	1.3%	267	1.0%	192	0.7%
Sheet Metal Work Including Air Conditioning and Refrigeration	216	0.9%	220	0.8%	169	0.6%
Buildings Operation by Contractors	200	0.8%	216	0.8%	174	0.6%
Landscape and Tree Surgery	186	0.8%	207	0.8%	181	0.7%
Unclassified (Insufficient Data)	161	0.7%	201	0.8%	144	0.5%
Electrical Wiring in Buildings	194	0.8%	196	0.7%	188	0.7%
Housing Authorities - Apts. and Condos Including Real Estate	203	0.8%	182	0.7%	150	0.6%
Employment Agencies	173	0.7%	178	0.7%	184	0.7%
Physicians Including Clerical	174	0.7%	160	0.6%	101	0.4%
Bakeries	103	0.4%	115	0.4%	N/A	
Bottling NOC Soda	N/A		103	0.4%	N/A	
Telephone or Telegraph Companies	146	0.6%	103	0.4%	N/A	
Concrete Construction NOC	101	0.4%	101	0.4%	N/A	
Mail and Parcel Delivery Employees	130	0.5%	N/A		N/A	
Iron or Steel Works Shop	117	0.5%	N/A		N/A	
Hardware Stores - Locksmiths	108	0.4%	N/A		N/A	
Industries with More Than 100 Filed Claims	7,970	32.0%	8,366	32.0%	6,220	22.9%
Number of Industry Groups Represented	33		31		26	
All Other	10,110	40.5%	10,921	41.8%	15,620	57.6%
TOTAL	24,924	100.0%	26,143	100.0%	27,122	100.0%

Source: Commission Data, July 2007

NOC: Not Otherwise Classified

MARYLAND WORKERS' COMPENSATION COMMISSION

FIGURE 5 • Awards According to Nature of Injury

NATURE OF INJURY	FISCAL YEAR											
	2007				2006				2005			
	TT	PT/PP	Total	Percent of Total	TT	PT/PP	Total	Percent of Total	TT	PT/PP	Total	Percent of Total
Burns	149 57.3%	111 42.7%	260	1.1%	164 60.7%	106 39.3%	270	1.2%	133 55.4%	107 44.6%	240	1.2%
Cuts, Abrasions, Punctures	1,000 68.7%	456 31.3%	1,456	6.3%	1,063 68.5%	488 31.5%	1,551	6.7%	1,068 71.1%	434 28.9%	1,502	7.5%
Fractures	186 58.7%	131 41.3%	317	1.4%	186 63.7%	106 36.3%	292	1.3%	169 54.9%	139 45.1%	308	1.5%
Dislocations/Strains	10,952 58.1%	7,904 41.9%	18,856	82.1%	11,196 58.9%	7,819 41.1%	19,015	81.9%	9,794 61.1%	6,235 38.9%	16,029	80.3%
Multi/Other	1,020 48.8%	1,069 51.2%	2,089	9.1%	1,061 51.0%	1,021 49.0%	2,082	8.9%	998 53.2%	878 46.8%	1,876	9.4%
TOTAL	13,307 57.9%	9,671 42.1%	22,978	100.0%	13,670 58.9%	9,540 41.1%	23,210	100%	12,165 61.0%	7,795 39.1%	19,955	100%

Source: Commission Data, July 2007 TT - Temporary Total PT - Permanent Total PP - Permanent Partial

FIGURE 6 • Awards According to Percentage of Disability and Body Part

TOP TEN BODY PARTS DISABLED	FISCAL YEAR 2007											TOTAL	Percent of Total
	0% to 10%	11% to 20%	21% to 30%	31% to 40%	41% to 50%	51% to 60%	61% to 70%	71% to 80%	81% to 90%	91% to 100%			
Thorax-Lower (Back)	1,210	1,210	580	319	202	112	62	47	14	6	3,762	25.1%	
Shoulder	609	682	514	170	90	51	27	19	10	4	2,176	14.5%	
Neck	792	526	230	168	89	54	26	24	10	3	1,922	12.9%	
Knee	366	363	403	213	146	57	48	31	19	3	1,649	11.0%	
Leg	345	462	403	190	123	45	23	20	5	1	1,617	10.8%	
Hand	350	458	219	79	59	34	13	15	3	3	1,233	8.2%	
Arm	212	259	191	81	55	33	17	16	11	1	876	5.9%	
Foot	202	203	152	88	47	22	17	13	2	0	746	5.0%	
Wrist	256	117	64	40	16	18	6	2	3	0	522	3.5%	
Ankle	125	150	102	31	31	12	3	5	0	0	459	3.1%	
TOTAL	4,467	4,430	2,858	1,379	858	438	242	192	77	21	14,962	100.0%	
PERCENT OF TOTAL	29.9%	29.6%	19.1%	9.2%	5.7%	2.9%	1.6%	1.3%	0.5%	0.1%	100.0%		

Source: Commission Data, July 2007

FIGURE 7 • Permanency Awards According to Percentage of Disability

LIMITED TO TOP TEN BODY PARTS DISABLED											
FISCAL YEAR	0% to 10%	11% to 20%	21% to 30%	31% to 40%	41% to 50%	51% to 60%	61% to 70%	71% to 80%	81% to 90%	91% to 100%	TOTAL
2007	4,467 29.9%	4,430 29.6%	2,858 19.1%	1,379 9.2%	858 5.7%	438 2.9%	242 1.6%	192 1.3%	77 0.5%	21 0.1%	14,962 100.0%
2006	3,919 26.8%	4,436 30.3%	2,954 20.2%	1,399 9.6%	910 6.2%	424 2.9%	275 1.9%	227 1.5%	70 0.5%	14 0.1%	14,627 100.0%
2005	3,467 27.4%	3,750 29.6%	2,457 19.4%	1,256 9.9%	781 6.2%	378 3.0%	263 2.1%	208 1.6%	84 0.7%	12 0.1%	12,656 100.0%

Source: Commission Data, July 2007

FIGURE 8 • Permanency, Fatality and Compromise Awards by Type of Award

TYPE	FISCAL YEAR								
	2007			2006			2005		
	Count	Amount	Average	Count	Amount	Average	Count	Amount	Average
Permanent Total	102	\$4,614,480	\$45,240	102	\$3,937,049	\$38,599	77	\$2,213,005	\$28,740
Percent Change - Prior Year	0.0%	17.3%	17.3%	32.5%	77.9%	34.3%			
Permanent Partial	9,675	\$169,832,861	\$17,554	9,541	\$157,807,493	\$16,540	7,775	\$125,435,101	\$16,133
Percent Change - Prior Year	1.4%	7.6%	6.1%	22.7%	25.8%	2.5%			
Fatality	35	\$1,460,218	\$41,720	18	\$631,456	\$35,081	37	\$1,456,357	\$39,361
Percent Change - Prior Year	94.4%	131.2%	18.9%	-51.4%	-56.6%	-10.9%			
Compromise	7,915	\$142,660,340	\$18,024	8,689	\$151,797,460	\$17,361	7,934	\$132,256,602	\$16,670
Percent Change - Prior Year	-8.9%	-6.0%	3.8%	9.5%	14.8%	4.2%			
Total	17,727	\$318,567,899	\$17,971	18,350	\$314,173,458	\$17,121	15,832	\$262,967,940	\$16,610
Percent Change - Prior Year	-3.4%	1.4%	5.0%	15.9%	19.5%	3.1%			
Compromises as a Percent of Permanent Partials		84.0%	102.7%		96.2%	105.0%		105.4%	103.3%

Source: Commission Data, July 2007

FIGURE 9 • Commission Claims Data

COMMISSION CLAIM ACTIONS	FISCAL YEAR					
	2007		2006		2005	
	Count	Percent	Count	Percent	Count	Percent
First Reports of Injury	111,515		121,687		126,270	
Total Filed Claims	24,924	100.0%	26,143	100.0%	27,122	100.0%
Disputed Accidental Injury Claims	8,570	34.4%	8,929	34.2%	5,990	22.1%
Temporary Total Awards	13,334	53.5%	13,955	53.4%	15,234	56.2%
Claims Settled	7,915	32.1%	8,684	33.2%	7,934	29.3%
Claims Deferred	7,345	29.5%	6,964	26.6%	7,122	26.3%
Claims Disallowed by Commission	527	2.1%	633	2.4%	622	2.3%

Source: Commission Data, July 2007

FIGURE 10 • Comparative Tri-State Employment, Claims and Fatalities

STATE	FISCAL YEAR 2007		
	Workforce*	Filed Claims	Fatalities
Pennsylvania	5.1 M	108,979	125
Virginia	2.9 M	47,341	NI
Maryland	2.1 M	24,924	85

Source: Respective State Annual Report Publications

*Census Data

NI: Not Clearly Identified in Annual Report Publication

FIGURE 11 • Fatalities by Industry Grouping

INDUSTRY GROUP	Employment ⁽¹⁾	FISCAL YEAR		
		Fatalities ⁽²⁾		
		2007	2006	2005
FEDERAL GOVERNMENT ⁽³⁾	124,793			
STATE GOVERNMENT	99,558	6	2	2
LOCAL GOVERNMENT	246,394	20	13	10
GOVERNMENT SECTOR TOTAL	470,745	26	15	12
GOOD PRODUCING				
Information	6,615	3	0	0
Construction	188,982	10	8	9
Manufacturing	135,208	1	7	4
SERVICE PROVIDING				
Trades, Transportation and Utilities	481,099	4	11	0
Information	50,728	3	0	0
Financial Activities	157,262	0	2	0
Professional and Business Services	397,210	0	3	0
Education and Health Services	355,166	0	1	1
Leisure and Hospitality	225,497	2	1	0
Other Services	89,681	2	4	4
UNCLASSIFIED	1,213	34	21	7
PRIVATE SECTOR TOTAL ALL INDUSTRIES	2,088,661	59	58	25
TOTAL EMPLOYMENT	2,559,406	85	73	37

Source: ⁽¹⁾ DLLR 4th Quarter 2006

⁽²⁾ Commission Data, July 2007

⁽³⁾ Data Not Available

Note: The data parameter was revised in FY 2006 to capture fatality claims filed versus fatality awards.

FIGURE 12 • Filed Claims by Gender and Age

FISCAL YEAR 2007			
Gender	Age Group	Claims Filed	Percent
Male	Unknown	254	1.0%
Male	10 - 19	234	0.9%
Male	20 - 29	2,854	11.5%
Male	30 - 39	3,982	16.0%
Male	40 - 49	4,571	18.3%
Male	50 - 59	2,902	11.6%
Male	60 - 69	889	3.6%
Male	70 - 79	148	0.6%
Male	80 - 89	19	0.1%
Total 15,853			63.6%
Female	Unknown	69	0.3%
Female	10 - 19	136	0.5%
Female	20 - 29	1,355	5.4%
Female	30 - 39	1,863	7.5%
Female	40 - 49	2,699	10.8%
Female	50 - 59	2,092	8.4%
Female	60 - 69	689	2.8%
Female	70 - 79	99	0.4%
Female	80 - 89	14	0.1%
Total 9,016			36.2%
Unknown	Unknown	18	0.1%
Unknown	10 - 19	0	0.0%
Unknown	20 - 29	10	0.0%
Unknown	30 - 39	4	0.0%
Unknown	40 - 49	10	0.0%
Unknown	50 - 59	10	0.0%
Unknown	60 - 69	2	0.0%
Unknown	70 - 79	1	0.0%
Unknown	80 - 89	0	0.0%
Total 55			0.2%
Total Filed Claims: 24,924			100%

Source: Commission Data, July 2007

FIGURE 13 • Occupational Diseases

CATEGORY	FISCAL YEAR		
	2007	2006	2005
Repetitive Motion Including Carpal Tunnel	343	153	202
Heart Disease - Hypertension	170	64	114
Hearing Loss	27	18	12
Environmental Pollution - Toxic	51	25	41
Other	240	147	351
TOTAL	831	407	720

Source: Commission Data, July 2007

FIGURE 14 • Occupational Diseases by Industry Grouping

INDUSTRY GROUP	FISCAL YEAR		
	2007	2006	2005
State and Local Government	268	120	274
Manufacturing	75	42	70
Construction	55	14	59
Agriculture	9	1	2
Textile	6	1	0
Transportation	40	20	34
Medical	55	22	26
Administrative	91	57	81
Service	117	59	138
Unclassified	115	71	36
TOTAL	831	407	720

Source: Commission Data, July 2007

FIGURE 15 • Source of Appeals

SOURCE	FISCAL YEAR		
	2007	2006	2005
Claimant	950	1,209	1,397
Employer/Insurer	780	976	1,121
Subsequent Injury Fund	53	51	69
Uninsured Employers' Fund	8	18	29
TOTAL	1,791	2,254	2,616

Source: Commission Data, July 2007

FIGURE 16 • Source of Claims and Appeals by Political Subdivision

JURISDICTIONS	FISCAL YEAR					
	2007		2006		2005	
	Claims	Appeals	Claims	Appeals	Claims	Appeals
Baltimore City	4,425	336	4,497	414	5,036	450
Baltimore County	4,015	288	4,425	396	4,644	466
Prince George's County	3,201	248	3,315	289	3,112	341
Montgomery County	2,163	220	2,307	247	2,289	333
Anne Arundel County	1,951	148	2,056	179	2,229	231
Harford County	1,063	77	1,213	129	1,194	149
SIX MAJOR METRO AREAS - COUNT	16,818	1,317	17,813	1,654	18,504	1,970
Percent of Total Filed Claims	67.5%	73.5%	68.1%	73.4%	68.2%	75.3%
Frederick County	804	51	841	72	912	83
Washington County	652	47	686	64	880	68
Carroll County	729	45	682	50	672	55
Howard County	554	63	575	72	591	103
Charles County	493	41	526	38	456	55
Wicomico County	408	22	403	50	436	47
Calvert County	393	18	394	27	406	30
Allegany County	303	52	360	69	358	63
Cecil County	359	47	403	58	354	30
St. Mary's County	327	11	368	18	348	31
Caroline County	178	5	191	7	201	4
Queen Anne's County	155	10	168	17	200	15
Worcester County	173	17	161	13	176	6
Dorchester County	128	16	163	15	173	14
Talbot County	101	8	91	10	118	11
Garrett County	136	13	107	7	114	13
Somerset County	92	4	114	8	110	8
Kent County	67	4	70	5	75	10
Unclassified	-		4		3	
EIGHTEEN NON-METRO AREAS - COUNT	6,052	474	6,307	600	6,583	646
Percent of Total Filed Claims	24.3%	26.5%	24.2%	26.6%	24.3%	24.7%
OUT-OF-STATE CLAIMS - COUNT	2,054		2,023		2,035	
Percent of Total Filed Claims	8.2%		7.7%		7.5%	
TOTAL	24,924	1,791	26,143	2,254	27,122	2,616
PERCENT OF CLAIMS APPEALED		7.2%		8.6%		9.6%

Source: Commission Data, July 2007

AGENCY PERFORMANCE

The Maryland Workers' Compensation Commission received 24,924 Employee Claim Forms in fiscal year 2007 and 1,920 or 7.4 percent of the total claims were filed electronically. Upon receiving an electronically filed claim form, the Commission dispatches a confirmation to the filing party via e-mail acknowledging receipt of the claim. The electronic filing system provides

instant accessibility and ease for employees and employers throughout the state.

The chart below lists a sample of the forms available electronically, and indicates the number and percent of e-forms filed in fiscal years 2006 and 2007.

FIGURE 17 • eForms vs. Total Forms Filed

FORM TYPE	FISCAL YEAR						
	2007			2006			
	Total Forms	Total eForms	Percent	Total Forms	Total eForms	Percent	Percent Change
Postponement Request	10,948	4,384	40.0%	11,783	2,790	23.7%	68.8%
Enter/Strike Appearance	63,325	10,936	17.3%	59,697	6,950	11.6%	49.1%
Issues Controversion	31,494	9,520	30.0%	32,720	4,964	15.2%	97.3%
Vocational Rehabilitation Progress Report	12,427	7,056	56.8%	12,850	4,633	36.0%	57.8%
Vocational Rehabilitation Referral Notice	5,708	3,860	67.6%	4,615	2,044	44.3%	52.6%
Employee Claim Form	26,099	1,920	7.4%	26,236	504	1.9%	289.5%
Withdraw Issues	8,542	4,361	51.1%	8,108	2,400	29.6%	72.6%
TOTAL	158,543	42,037	26.5%	162,959	24,285	14.9%	77.8%

Source: Commission Data, July 2007

A total of 44,444 issues were filed with the Commission this fiscal year and the Commission scheduled 43,765 hearings. The Commission's daily docketing system successfully scheduled 98.8 percent of those issues of the most urgent nature within 60 days of the issue file date. Emergency hearing requests accounted for 5.5 percent of the total issues filed.

The Hearing Division issued a total of 31,603 Orders and continued to demonstrate a high level of efficiency, issuing 96 percent of hearing Orders within 30 days of the hearing date.

The Court Reporting Division is responsible for preparing transcripts of proceedings for appellate purposes, third-party litigation, re-openings, and general requests by other parties of interest.

This fiscal year the Court Reporting Division received 2,808 requests for transcripts, of which 1,700 were provided for appellate litigation and 1,108 for other general request purposes.

The Commission's Public Service Section receives more than 4,100 calls per month from the general public. The dedicated customer service staff continues to provide the community with information in a prompt, courteous and efficient manner.

Callers can also access current claim status information through an automated voice response system. This system was updated last fiscal year to include access to employee claims filed over the Internet. In addition, emergency closings and changes in hearing status due to inclement weather are accessible through this system.

This year the Mailroom processed 652,771 pieces of outgoing mail compared to last year's 683,531. This is a number the Commission strives to decrease dramatically through the continuing development of the Web-based file system and as more members elect to receive electronic notifications.

A Stipulation Rehabilitation Plan consists of a contract/stipulation agreement between the injured worker, injured worker's attorney, employer/insurance carrier and counselor for job placement and/or training for a specified period of time. The Commission may or may not accept the plan. The Vocational Rehabilitation Section approved 497 Stipulation Rehabilitation Plans.

A Rehabilitation Service Plan is a vocational rehabilitation plan tailored to the individual injured worker and his or her current situation. A vocational counselor works with the injured worker to develop a plan based on the injured worker's current limitations. The plan is then submitted to the Commission and from there it's forwarded to all parties to ensure complete agreement to the terms of the plan. If all parties do not agree, a hearing is scheduled before the Commission. In 2007, 19 Service Plans were processed.

The Rehabilitation Section currently has on record 776 Workers' Compensation certified rehabilitation providers, 196 counselors,

434 medical case managers, 110 physical therapists, 20 occupational therapists and 16 evaluators.

The Rehabilitation Section continues to regularly sponsor informative workshops as part of the Workers' Compensation Rehabilitation Provider Certification Program. From July 1, 2006 through December 1, 2006, the Rehabilitation Section and members of the Joint Task Force on the Injured Worker held seven informational workshops on effective vocational rehabilitation case management in the area of workers' compensation. From January 1, 2007 through June 30, 2007, the Commissioners held six informational workshops with the assistance of the Rehabilitation Section covering workers' compensation laws, rules and regulations pertaining to vocational rehabilitation provider roles and responsibilities.

Additionally, a significant responsibility of the Workers' Compensation Commission is to review and process disputed claims for medical services. This fiscal year, the Commission received and processed 1,592 C-51s. Of these, 753 were controverted by the employer and/or insurer, and were subsequently set for a hearing before a Commissioner. The Commission also refers medical evaluations to medical providers, as per Commission Order. This year 17 medical evaluations were referred.

FIGURE 18 • Scheduled Hearing Distribution

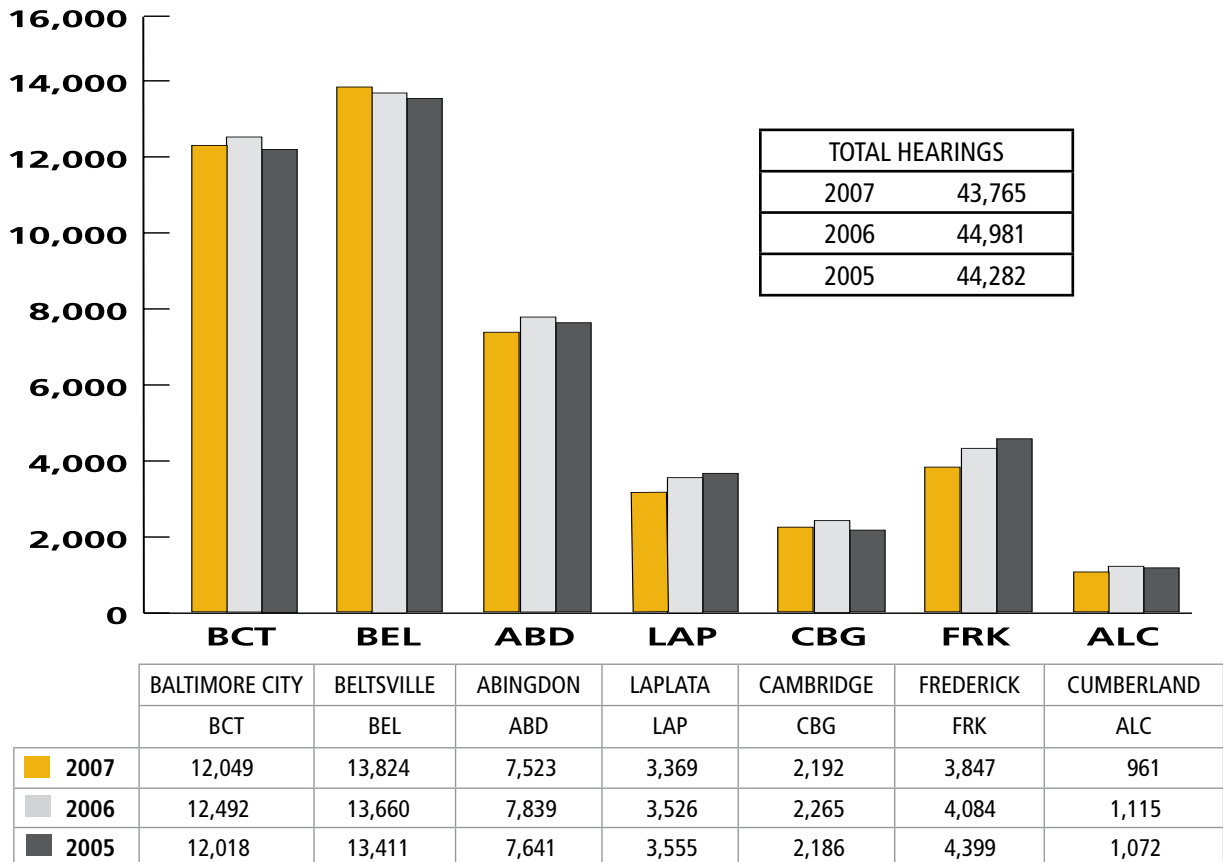


FIGURE 19 • Emergency Hearing Requests on Filed Issues

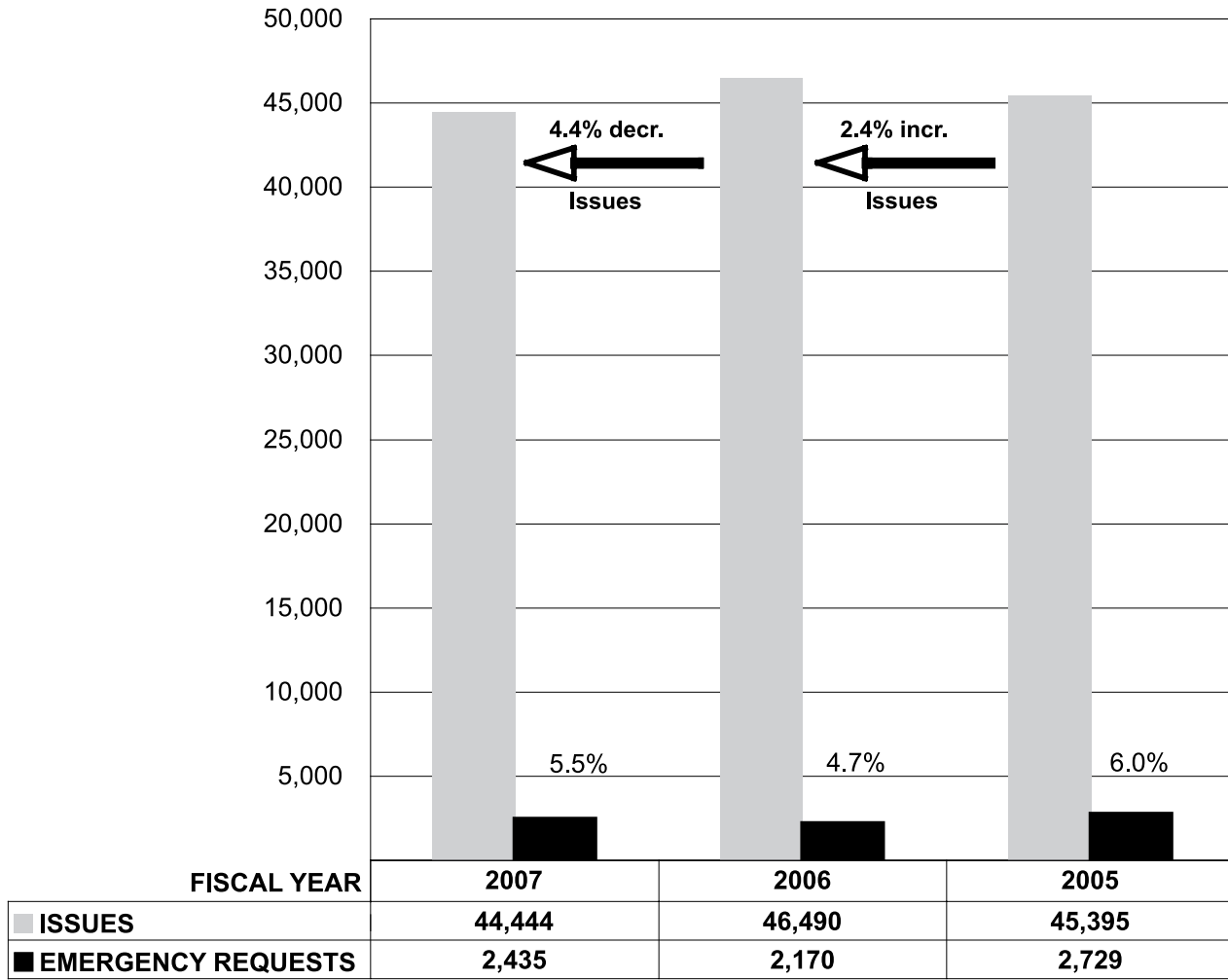


FIGURE 20 • Interpreter Office Program Statistics

ITEM	FISCAL YEAR		
	2007	2006	Change
Requests	2,132	1,843	15.7%
Interpretations Provided	1,235	1,216	1.6%
Requests Continued or Withdrawn	885	569	55.5%
Awaiting Hearing Date	220	168	30.9%
Spanish Interpretations	1,051	1,074	-2.1%
All Other Interpretations	184	137	34.3%
Percent Spanish	85.1%	88.7%	-3.6%
Variety of Languages Provided	38	40	-5.0%

Source: Commission Data, July 2007

FIGURE 21 • Hearing Transcripts

CATEGORY	FISCAL YEAR		
	2007	2006	2005
Non Appeal Transcripts	1,108	1,059	994
Appeal Transcripts	1,700	2,181	2,079
Fraud Hearing Transcripts to Maryland Insurance Administration	0	11	16

Source: Commission Data, July 2007

FIGURE 22 • Vocational Rehabilitation Case Management

	FISCAL YEAR 2007	
	Count	Percent
Return to Work		
Same Employer, Same Job	1,766	57.6%
Same Employer, Different Job	187	6.1%
New Employer, Same Occupation	67	2.2%
New Employer, Different Occupation	361	11.8%
Self-Employment	9	0.3%
Medical Issues, Not Employed	260	8.5%
Subtotal	2,650	86.4%
Employment Status Unknown		
Rehabilitation Services Declined	133	4.3%
Rehabilitation Program Dropout	196	6.4%
Claimant Moved Out of State	10	0.3%
Claimant Declined Job Offers	77	2.5%
Subtotal	416	13.6%
Total Vocational Rehabilitation Case Dispositions	3,066	100.0%

Source: Commission Data, July 2007

PREMIUM AND COST DATA

FIGURE 23 •
**Workers' Compensation
 Premium Rate Ranking**

2006 Ranking	2004 Ranking	State	Median Index	State % of Median
1	2	Alaska	5.00	201%
2	1	California	4.13	166%
3	7	Delaware	3.91	158%
4	6	Kentucky	3.78	152%
5	8	Montana	3.69	149%
6	3	Florida	3.32	134%
7	17	Vermont	3.24	130%
8	13	Maine	3.21	129%
9	19	Alabama	3.17	128%
10	18	New York	3.15	127%
11	9	Louisiana	3.10	125%
12	5	Ohio	3.00	121%
13	15	Oklahoma	2.96	119%
14	11	Connecticut	2.90	117%
15	4	Hawaii	2.89	116%
16	10	District of Columbia	2.86	115%
17	14	Texas	2.84	114%
18	20	Pennsylvania	2.80	113%
19	12	New Hampshire	2.75	111%
20	21	Minnesota	2.69	108%
21	23	Illinois	2.69	108%
22	16	Rhode Island	2.68	108%
23	29	New Jersey	2.52	102%
24	22	Missouri	2.50	101%
25	39	South Carolina	2.50	101%
26	25	Tennessee	2.48	100%
27	27	New Mexico	2.41	97%
28	28	Wyoming	2.40	96%
29	31	Colorado	2.40	96%
30	26	Nevada	2.36	95%
31	34	Idaho	2.29	92%
32	36	Mississippi	2.29	92%
33	38	Nebraska	2.25	91%
34	24	West Virginia	2.20	88%
35	33	Wisconsin	2.18	88%
36	32	North Carolina	2.17	87%
37	35	Washington	2.17	88%
38	46	Utah	2.06	83%
39	30	Michigan	2.05	82%
40	40	Maryland	2.03	82%
41	37	Georgia	2.02	82%
42	42	Oregon	1.97	79%
43	44	Kansas	1.84	74%
44	41	South Dakota	1.83	74%
45	43	Iowa	1.75	71%
46	49	Arizona	1.73	70%
47	45	Massachusetts	1.70	68%
48	48	Arkansas	1.59	64%
49	47	Virginia	1.52	61%
50	50	Indiana	1.24	50%
51	51	North Dakota	1.10	44%

Source: Research and Analysis Section,
 Oregon Department of Consumer
 and Business Services (10/2006)

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
2005	22,793,124	126.0%	620,294	133.0%	2,581,581	131.3%	889,795	131.7%
2004	21,136,508	116.8%	568,721	121.9%	2,421,470	123.1%	829,112	122.7%
2003	19,850,020	109.7%	506,697	108.6%	2,249,933	114.4%	736,109	108.9%
2002 BASE	18,096,088	100.0%	466,532	100.0%	1,966,766	100.0%	675,828	100.0%
Incurred Losses								
2005	14,968,593	119.4%	375,737	96.9%	1,867,361	124.0%	578,144	117.7%
2004	14,523,914	115.9%	397,083	102.4%	1,851,672	123.0%	570,552	116.2%
2003	13,625,157	108.7%	418,055	107.8%	1,898,293	126.0%	599,099	122.0%
2002 BASE	12,535,420	100.0%	387,812	100.0%	1,505,943	100.0%	491,148	100.0%

Source: NCCI Annual Statistical Bulletin, 2007

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

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

e-Notifications Available for Attorney Subscribers

E-notifications, a new feature for subscribed attorneys, offers the option to receive e-mail notifications in lieu of postal mail notifications of documents filed with the Commission for claims in which the subscribed attorney is a party. The benefits of e-Notifications include:

- Users can receive notices of documents filed more quickly than with postal mail.
- Hyperlinks in e-Notifications enable users to quickly open and view newly filed documents.
- Claim information is included within the e-Notification e-mail.
- Users can electronically forward e-Notifications to other subscribed attorneys or proxies for processing.

Attorneys interested in receiving e-Notifications may login to their MDWCC attorney subscriber account and update their user profile. For more information about the e-Notifications feature for attorney subscribers, please contact websupport@wcc.state.md.us.

Insurer Designee Listing Available Online

In accordance with COMAR 14.09.06.02, the Commission requires all insurers that provide workers' compensation insurance in Maryland to register an Insurer Designee with the Commission who can provide the name of the competent individual handling and adjusting each disputed claim. The Insurer Designee does not have knowledge of the claim status but rather is required, upon inquiry, to provide the name, address, telephone number and e-mail address of the competent individual handling and adjusting the claim. When requested, this information must be provided within two business days.

A listing of all registered Insurer Designees is now available on the Commission's Web site as a searchable Adobe® Reader document. This document lists all insurers alphabetically by name and includes the Insurer Designee's name as provided by the insurer, an e-mail address, and a Maryland local or toll-free telephone number.

Web-Enabled File Management System (WFMS) Expanded

The Commission's Web-Enabled File Management System (WFMS) now allows those insurers and self-insured employers who have complied with COMAR 14.09.06.02 to have online access to workers' compensation claim-related documents for claims in which the insurer or self-insured employer is a party. With WFMS, insurers may also sign and file forms electronically with the Commission. WFMS also provides the option for subscribed insurers to authorize their administrative or support staffs to function as the authorizing insurers.

Weekly Hearing Schedules Available Online

The implementation of a weekly docket display system offers the general public online access to the Commission's hearing schedules. The information, accessible under the Claims and Adjudication section of the Commission's Web site, is available in Adobe® Reader (PDF) or Microsoft Excel® format and can be searched online or downloaded to the user's personal computer.

New Guidelines Regarding Withdrawal and Refiling of Issues

In its continuing efforts to offer efficient and timely service to customers, the Commission adopted procedural guidelines for the rescheduling of matters in which issues have been previously withdrawn. Under the new guidelines, which became effective February 15, 2007, previously withdrawn issues will not be accepted for filing for a period of 90 days from the date of withdrawal, absent extenuating circumstances. In the event that extenuating circumstances exist, the withdrawing party must file WCC Form H-12 "Request for Hearing on Previously Withdrawn Issues" and must include an explanation of the extenuating circumstances and any supporting documentation.

New Forms and Revisions

The Commission made the following form changes:

New Forms

- Parental Guarantee and Board Resolution (WCC A-04, 9/2006)
- Application for Self-Insurance and Instructions (WCC A-05, 9/2006)
- Letter of Credit (WCC A-08, 9/2006)
- Request for a Hearing on Previously Withdrawn Issues (WCC H-12, 02/2007)

Revised/Web-Enabled Forms

- Stipulation for Advancement (WCC C50R Rev 9/2006)
- Request for Action on Filed Issues (WCC H25R, 02/2007)
- Request for a Hearing for Referral to Maryland Insurance Fraud Division (WCC H35R, 02/09/2007)
- Insurer's Termination of Temporary Total Disability Benefits (WCC C-06, 2/2007)
- Uninsured Employer - Claimant Questionnaire (WCC H-37, 05/2006)
- Uninsured Employer - Employer Questionnaire (WCC H-38, 05/2006)
- MD WCC Self-Insured Employer's Application to Add a Subsidiary (WCC A-05S 01/2007)

All forms required to be served on the opposing party have been revised to include a uniform Certificate of Service.

Obsolete Forms

- Response to Show Cause Order (WCC VR50R 11/2000)
- Notice of Fine for Non-Compliance (WCC VR51, 11/2000)

Fraud Program

In November 2004, the Commission adopted regulations that allow a party to a claim to request a hearing for the referral of allegations of fraud (proven by a preponderance of evidence) to the Insurance Fraud Division of the Maryland Insurance Administration (MIA). During this fiscal year, the Commission received 14 Requests for a Hearing for Referral to the Maryland Insurance Fraud Division. The Commission also received 27 allegations of fraud via telephone calls, letters and e-mails. Nine of those matters have been forwarded to the MIA for further investigation of which one is currently under investigation for possible criminal prosecution.

Community Information Posted on Bulletin Board

The Commission has provided a bulletin board at 10 E. Baltimore Street, 4th Floor, for the posting of Commission-related community information. Postings may consist of workers' compensation related events, educational programs (whether employee or employer related), seminars, new case law or opinions, and sponsored activities relating to workers' compensation.

Overview of SAWCA Conference

The Maryland Workers' Compensation Commission hosted the 58th Annual Convention of the Southern Association of Workers' Compensation Administrators (SAWCA) at the Hyatt Regency Inner Harbor in Baltimore July 15–19, 2006. The keynote speaker was Dr. Roger C. Merrill, Chief Medical Director for Perdue Farms. Dr. Merrill discussed Perdue's approach to overall health, both work-related and non-work related, that involves a top-down focus on the health and wellness of the entire population and their families. This approach involves on-site comprehensive medical facilities at 95 percent of Perdue's major locations, an aggressive population-based Health Improvement Program and utilization of the value (instead of cost) concept in health delivery. The Maryland Workers' Compensation Commission was proud to be a part of this valuable opportunity to meet and discuss current issues in the ever-changing workers' compensation industry.

SAWCA will hold its 59th Annual Convention on July 14–18, 2007, at the Hyatt Regency Town Lake in Austin, Texas.

INSURANCE/SELF-INSURANCE

On June 20, 2007, the Board of Public Works approved a Master Contract for the performance of compliance audits and actuarial assistance for the Self-Insurance Program. During fiscal year 2007, seven audits of self-insured employers were completed. The on-site reviews focus on the reserving and reporting practices of self-insurers.

The full Commission meets twice monthly to consider and, as appropriate, approve Orders covering new applications, terminations, increases in security, changes in excess policy coverage, and additions of subsidiaries to individually self-insured's and governmental group programs.

The Employer Compliance Program has continued to develop. The Commission uses data from NCCI and Commission claim files to find employers that are without coverage. During fiscal year 2007, the Commission requested evidence of workers' compensation coverage from 649 employers and issued Orders as necessary requiring uninsured employers to obtain workers' compensation coverage in compliance with LE § 9- 402. The Commission also returned

to insurers 687 exclusion requests for corporate officers and LLC members who were not eligible for exclusion from workers' compensation. The Certificate of Compliance Program discontinued issuing certificates to sole proprietors and partnerships that are not employers. This change is consistent with an Attorney General Opinion that concluded LE § 9-105 applies to Maryland employers only.

Individual self-insurers can now direct their clients and vendors to the Commissions' Online Coverage Verification Program (Proof of Coverage) to ascertain their compliance with LE § 9-402 coverage requirements. The Insurance, Compliance and Reporting Division is now using the Filenet information storage and retrieval system to provide quick and easy recovery of any record, report or correspondence on self-insurers, insurers, employers and others who have matters before the Commission. The Commission now has a Web-based program for filing the Annual Claims Payment Summary Report.

FIGURE 25 • Self-Insurance Program

ITEM	FISCAL YEAR		
	2007	2006	2005
Individual Self-Insurers and 1 Group	116	116	117
Covered Self-Insured Employees ⁽¹⁾	427.1 T	419.5 T	419.4 T
Covered Self-Insured Payroll ⁽¹⁾	\$18.1 B	\$16.6 B	\$16.0 B
Self-Insured Payroll as Percent of All Covered Payroll	18.0%	17.6%	17.7%
Security Held ⁽¹⁾	\$275.9 M	\$241.9 M	\$231.1 M
Commission Orders ⁽²⁾	29	34	45

T = Thousand, M = Million, B = Billion

⁽¹⁾ Source: A-01 Report 2004 - 2006

⁽²⁾ Commission Data 2005 - 2007

FIGURE 26 • Workers' Compensation Certification and Coverage Election

TYPE	FISCAL YEAR		
	2007	2006	2005
Certificates of Compliance	1,474	2,138	3,701
Coverage Exclusions	3,273	3,764	3,316
Coverage Inclusions	179	244	237

Source: Commission Data, July 2007

REVENUES/EXPENDITURES

The Commission collects 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 year, \$21,872,521 was collected with \$8,801,072 being transferred to DLLR for the safety program. The remaining funds were disbursed as Commission operating expenditures.

The fiscal year 2007 Amended Legislative Appropriation for the Commission totaled \$13,798,250. This budget was amended to include an additional \$828,460 to cover expenses associated with the statewide cost of living adjustment approved in July 2006,

increases of lease escalation costs for the Commission's headquarters and regional hearing site locations, and increases in the performance of actuarial studies and audits of self-insurers. Approximately 74.1 percent will provide for the Commission's allotment of 125.5 full-time equivalent permanent position salaries and 17.75 full-time equivalent contractual position salaries, 11.2 percent for fixed costs to include lease agreements and lease escalations, 6.8 percent for contractual services to include computer software and hardware maintenance contracts, 3.8 percent for communications and postage, and 4.1 percent for travel expenses, supplies and equipment.

FIGURE 27 • Licensed Insurers Writing Workers' Compensation Insurance

Fiscal Year	Licensed Insurers ⁽¹⁾	Licensed Insurers Billed	Percentage of Licensed WC Insurers
2007	649	274	42.2%
2006	662	277	41.8%
2005	690	288	41.7%

Source: Commission Data, July 2007

⁽¹⁾ Includes Self-Insurers

FIGURE 28 • 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
2007	\$100,620,077,256	\$21,872,521	\$8,801,072	\$13,071,449	0.217
2006	\$94,559,745,432	\$21,431,819	\$7,990,180	\$13,441,639	0.204
2005	\$104,663,366,728	\$21,526,536	\$8,440,357	\$13,086,179	0.205

Source: Commission Data, July 2007

REGULATORY/LEGAL UPDATE

Regulatory Update

14.09.01.07 – Average Weekly Wage

The Commission has proposed amended regulations to change the period of time utilized for calculating an injured workers average weekly wage and clarify time periods that are excluded in the calculations.

Proposed 04/27/07; Final adoption June 14, 2007; Effective July 16, 2007.

Legislation

The following legislation was passed during the 2007 Legislative Session.

House Bill 271 Covered Employees Private School Students—Unpaid Work-based Learning Experiences

Requires employers to provide coverage to private school students participating in an unpaid work-based learning experience. Under the bill, workers' compensation coverage for unpaid work-based learning experiences is limited to students placed by a county board of education or a private noncollegiate institution.

House Bill 277 Domestic Workers

Increases the minimum quarterly earning threshold for workers' compensation coverage for domestic workers from \$750 to \$1,000 per quarter.

House Bill 1006 Cost-of-living Adjustment

Requires the Injured Workers' Insurance Fund (IWIF) to provide a COLA for permanent total disability payments arising from injuries occurring before January 1, 1988. Counties and municipalities, as well as nongovernmental units, are authorized to provide a COLA for pre-1988 events at their discretion. The bill applies retroactively to compensation paid by IWIF on or after October 1, 2006, and will affect approximately 140 claimants, including 43 workers who were injured while working for the state.

Senate Bill 752/House Bill 1117 Benefits for Dependents

Restores the practice in place prior to a Court of Appeals decision by allowing dependents of public safety personnel who died from an occupational disease to collect workers' compensation benefits in addition to retirement benefits. The bills entitle dependents of firefighting personnel, police officers, correctional officers and deputy sheriffs to collect retirement benefits, as well as workers' compensation benefits, when the covered employees' death resulted from heart disease, hypertension, lung disease or certain cancers. Under the bills, workers' compensation benefits are adjusted so that the weekly total of both sets of benefits do not exceed the weekly salary that was paid to the deceased public safety personnel.

Senate Bill 625/House Bill 345 (Chapters 41 and 42) Governmental Self-insurance Groups

Requires the Commission to adopt regulations to permit the investment of up to 30 percent of surplus funds in equities.

The guidelines must further:

- state the types of investment in which monies may be invested;
- include guidance for the prudent investment of monies based on claim experience, cash flow projections, income liquidity, investment ratings and risk;
- require that monies not invested in equities be invested according to current state law; and
- prohibit borrowing of funds for the express purpose of investing those funds.

Senate Bill 745 (Chapter 52) Howard County Auxiliary Officers (“Officer Pieter Lucas Act”)

Howard County auxiliary police officers are private citizens trained to provide uniformed volunteer services. Chapter 52 clarifies that an auxiliary police officer in Howard County, while on duty, is a covered employee for purposes of workers' compensation coverage.

House Bill 783 Montgomery County Correctional Officers

Adds Montgomery County correctional officers to the list of public safety officers eligible for enhanced benefits for a permanent partial disability.

Senate Bill 600 Release of Medical Information

Requires a health care provider to disclose a medical record on receipt of an authorization for the release of medical information that must be included with a claim application form filed with the Workers' Compensation Commission.

Senate Bill 765 Notice of Insurance Premium Information

Emergency bill requires insurers to notify workers' compensation insurance policyholders of increases in renewal premiums of 20 percent or more at least 45 days prior to the expiration of a policy.

House Bill 184 Joint Committee on Workers' Compensation Benefit and Insurance Oversight

Increases the membership of the joint committee from 14 to 15 to include a certified Maryland rehabilitation service provider registered with the Workers' Compensation Commission and appointed by the President of the Senate and the Speaker of the House.

Key Cases

Covered employee entitled to benefits under LE § 9-660 for occupational deafness only if the hearing loss is compensable under LE §§ 9-505 and 9-650.

Green v. Carr Lower Glass Co., Inc., et al
398 Md. 512 (2007)

Temporary Partial Disability—average weekly wage must exceed wage-earning capacity

Thomas v. Giant Food
174 Md. App. 103 (2007)

Appeals time calculation

Chance v. WMATA
173 Md. App. 645 (2007)

The Property and Casualty Insurance Guaranty Corporation was not obligated to pay late-payment penalties, which do not constitute part of Apelles's "covered claim" pursuant to IN §9-301(d).

Property and Casualty Ins. Guaranty Corp. v. Yanni
397 Md. 474 (2007)

Worsening of condition—elevation of disability from first tier to second tier compensation—credit employer for benefits paid by weeks instead of money paid

Paul Del Marr v. Montgomery County
397 Md. 308 (2007)

Settlement agreements—claimant presumed to understand waiver of rights

Hart v. Subsequent Injury Fund
172 Md. App. 159 (2006)

Statute of Limitations Circuit Court de novo review

Griggs v. C&H Mechanical
169 Md. App. 556 (2006)

Expert testimony admissible despite failure to identify expert

Food Lion v. McNeill
393 Md. 715 (2006)

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 Oversight 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 Oversight Committee membership includes representatives from the legislative, medical, legal and labor sectors, as well as the general public. An appointed State Senator and House of Delegates member serve as Chair and Co-Chairman.

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 their 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.

2007 Committee Roster

Senator Nathaniel Exum, *Co-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:

Jerry S. Lozupone

Representative of Maryland Building and Construction Labor Organization:

Charles H. Rush

Two Members of the Public:

Harvey A. Epstein, Esq.
 Deborah Fajer-Smith, Esq.

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:

(effective October 1, 2007) Vacant

Workers' Compensation Commissioners—Ex-Officio: Vacant

Committee Staff:

Tami Burt and Ann Marie Maloney,
 Department of Legislative Services

2007 Committee Roster

Monica Meyers Turnbo, Esq.	Stephen G. Fugate
Honorable W. Ray Huff	Mark T. Hackman, Esq.
Patrick A. Roberson, Esq.	Melinda L. Hayes
Kathleen Fink, M.D.	Sandra I. Dorsey
Kevin P. Foy, Esq.	Jeff Horowitz, Esq.

Advisory Committee on the Registration of Rehabilitation Practitioners

The Advisory Committee on the Registration for 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 where 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).

2007 Committee Roster

Charles Smolkin, MS, LCPC, CRC, CVE, MSRSP,
Committee Chair

Susan Budden, MS, 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, MS, CDMS, CCM, MCRSP

Mary Sevinsky, MS, CRC, CCM, MCRSP

Vocational Rehabilitation Committee

The Vocational Rehabilitation Committee has been re-established to review current processes and conditions that may be in need of change in the area of vocational rehabilitation. The Commission has appointed a committee composed of Insurer and Self-Insurer representatives, members of the Defense and Plaintiff's Bar and vocational rehabilitation providers, all whom are well known and respected in the workers' compensation community.

The committee's goals are to provide guidelines, education and support in the area of vocational rehabilitation to the workers' compensation community and to develop a better process that works for all parties and further assists to accomplish the Commission's goals.

2007 Committee Roster

Commissioner Jeffrey C. Herwig, *Committee Chair*

Commissioner Cynthia S. Miraglia

Commissioner John R. Webster, Jr.

Commissioner Patricia G. Adams

Regina W. Brown, WCC

Timothy McLaughlin, Esq.

Patrick Roberson, Esq.

Michael Steinhardt, Esq.

Mark Snyder, Esq.

Nicole Topper, Insurance Representative

Kathy Stone, Private Vocational Rehabilitation

Jody Malcolm, Private Vocational Rehabilitation

Melinda Hayes, Private Vocational Rehabilitation

Tom Scheurich, Maryland Division of Rehabilitation Services

Carole Stolte Upman, R.N., Medical Case Management

Medical Fee Guide Revision Committee

The Medical Fee Guide Revision Committee (MFGRC) was established to review the methodology that the Workers' Compensation Commission utilizes to regularly review physician fees. The committee is charged with recommending a method for developing and regularly updating a multiplier to be used with CPT codes. They are also charged with the responsibility of recommending the best approach for distributing and annually updating the Medical Fee Guide. Members represent equally payers and receivers of health care services.

In 2007, the committee reviewed the effect on access to care issues following the 2005 and 2006 adjustments to the Medical Fee Guide. The committee has continued to move forward on cost of living increases to be applied to the Medical Fee Guide.

2007 Committee Roster

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

Payers

Rudolph Rose, Esq.
Dennis Carroll, Esq.
Beth Porter
Lynne Burgoon
Michael Levin, Esq.
Miriam Grice.
Ken Stoller, Esq.

Receivers

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

Task Force on Employer Compliance

The Maryland Workers' Compensation Commission established a multi-agency task force to consider alternative measures for increasing compliance with the requirement that employers carry workers' compensation insurance. Alternatives range from community education to enhanced penalties. The task force will study issues surrounding employers' conversion of employees to independent contractors, homeowners' failure to insure their housekeepers and home health care workers, and noncompliance in the dry cleaning and construction trades.

2007 Committee Roster

Chairman R. Karl Aumann
Commissioner Maureen Quinn
Commissioner Kimberly Smith Ward
Marshall Feldman, Esq., UEF
James Himes, Esq., UEF
Holly Isaacs, Esq., UEF
Steven Jones, WCC
Thomas J. Murphy, WCC
Steven Orr, MIA
Thomas Wendel, DLLR

Online Services Advisory Council (OSAC)

The Commission hosted the inaugural meeting of the Online Services Advisory Council (OSAC) on Tuesday, October 24, 2006. The formation of OSAC was announced at the 2006 Maryland Workers' Compensation Education Association, Inc. (MWCEA) Conference in September 2006. Initial membership invitations were issued as a result of direct inquiries following the conference or through referrals by other community members. Membership consists of representatives from all areas of the workers' compensation community.

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. Members are asked to share ideas and comments regarding current and future online services available on the <http://www.wcc.state.md.us/> Web site.

The Commission is committed to a high level of stakeholder communication and feedback. Suggestions and criticisms from OSAC members help us to continue providing innovative online products and services to facilitate conducting business with the Commission.

Although a schedule was not set for future meetings, the group is expected to formally meet two to four times a year. 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.

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

2007 Committee Roster

- Joyce McNemar, *Committee Chair*
- Lynda Dilks
- Nancy Harrison, Esq.
- Michael Steinhardt, Esq.
- Anne Brennan, Esq.
- Mark Vincent, Esq.
- Gale Reikenis
- Donna Henderson, Esq.
- Stan Haynes, Esq.
- Steve Perroots
- Gretchen Rogers, Esq.
- James Forrester, Esq.
- Mary Sevinsky
- Andy Nussdorf
- Bob Zarbin, Esq.
- Mark Hackman, Esq.
- Carmen Stevens
- Michael L. Galey, WCC
- Lally Abraham, WCC
- Jim MacDonald, WCC
- Carolyn Nelson, WCC

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Neil A. Robinson, Medical Director
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Hearing Sites

Central Region-Beltsville
4780 Corridor Place, Suite D
Beltsville, MD 20705

Southern Region-LaPlata

Old Towne Center
403 Charles Street
LaPlata, 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

Western Maryland

Comfort Inn & Suites
1216 National Highway
LaVale, MD 21502

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10 East Baltimore Street

Baltimore, MD 21202-1641

410-864-5100 1-800-492-0479

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E-mail: info@wcc.state.md.us

Equal Opportunity Employer

The Workers' Compensation Commission continues to acknowledge and accept its commitment to equal opportunity for all current and prospective employees as well as its clients.