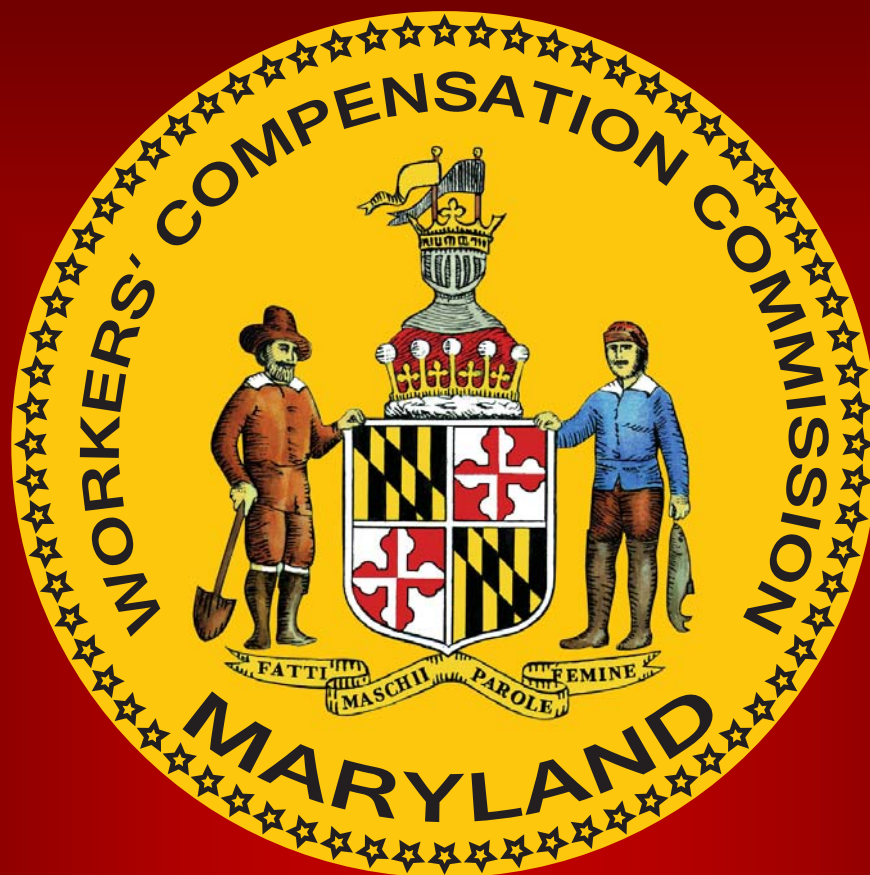


MARYLAND WORKERS' COMPENSATION COMMISSION



*Celebrating 100 Years of Workers' Compensation
1914 - 2014*

ANNUAL REPORT FISCAL YEAR 2014

MARTIN O'MALLEY, GOVERNOR • ANTHONY G. BROWN, LT. GOVERNOR
R. KARL AUMANN, CHAIRMAN • MARY K. AHEARN, CHIEF EXECUTIVE OFFICER

MARYLAND WORKERS' COMPENSATION COMMISSION

FOREWARD

Celebrating 100 Years of Workers' Compensation

As we celebrate the 100 year anniversary of the Workers' Compensation Act in the State of Maryland, we commend the public leaders and system participants who have long been committed to the Act's beneficent purposes. In 1914, the Commission was created and charged with establishing and administering a system for the purpose of insuring employers against liability under the Workers' Compensation Act and securing for employees and their dependents the payment of compensation as specified in the Act. In the footsteps of the original leaders, the members of the Maryland Workers' Compensation Commission have dedicated themselves to the work that is committed to them; affording prompt relief to injured workers, timely administration of the Act's provisions and an efficient forum for the resolution of individual claims.

The workplace has changed drastically over the last century and the workers' compensation system in Maryland has adapted as well. The Act itself has been a work in progress, initially filling less than 50 pages. Provisions added over the last century have not only expanded benefits but specified and codified procedures in order to maintain the original premise of a system based on speed, efficiency and equity. The Act now comprises more than 500 pages of statutes and regulations prescribing, regulating, and defining the process and requirements that are intended to mitigate the financial burden caused by a work-related injury or illness. As can be seen on the chart below, improvements made over the years have promoted efficiency and maintained the system balance.

The original leaders in Maryland would be proud of the state of the industry today. The achievements and progress made would not have been possible without the dedication and commitment from the Commission and staff in concert with the steadfast support from the Office of the Governor and the Maryland General Assembly, the Joint Committee on Workers' Compensation Benefit & Insurance Oversight Committee, the Advisory Committee on the Budget of State Workers' Compensation and the members of the Maryland Workers' Compensation Educational Association. This Edition of the Annual Report of the Maryland State Workers' Compensation Commission is dedicated to those professionals who have contributed over a century of service to the injured workers and employers of Maryland.

MARYLAND WORKERS' COMPENSATION HISTORICAL HIGHLIGHTS 1914 - 2014

Historical Evolution of the Commission's Name

State Industrial Accident Commission, 1914-57
Workmen's Compensation Commission, 1957-86
Workers' Compensation Commission, 1986-91
State Workers' Compensation Commission, 1991– present

Who Knew?

In 1914...

- ◆ There were three Commissioners, each with a term of six years and a salary of \$5,000.
- ◆ The Commission was open six days a week, Monday to Saturday.
- ◆ Farm laborers, domestic servants, country blacksmiths, wheelwrights, and similar rural employments were excluded from Workmen's Compensation Law.

Maryland Workers' Compensation Historical Statistics

	<u>1914</u>	<u>2014</u>
<u>Number of:</u>		
Employees	541,164	3,113,500
Fatalities	121	58
Claims Filed	3,443	24,113
Hearings Set	249	43,379
<u>Benefits:</u>		
Average Weekly Wage	\$12	\$998
Max Perm Total Benefit	\$5,000	\$45,000
Max Death Benefit	\$4,250	\$45,000
Max Funeral Expenses	\$75	\$7,000
<u>Finance:</u>		
Commission's Budget	\$ 40,000	\$14,200,000

MARYLAND WORKERS' COMPENSATION COMMISSION

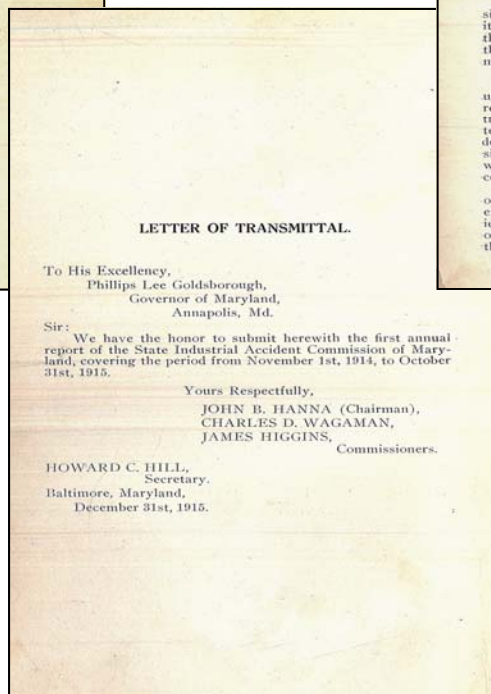
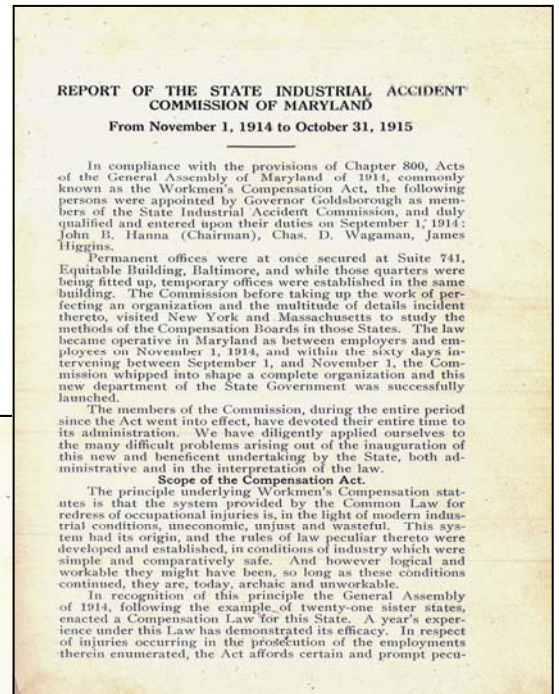
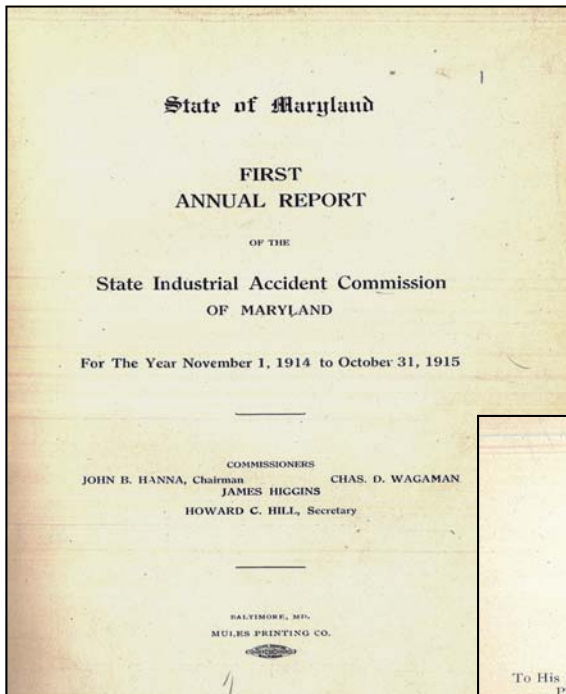
MARYLAND WORKERS' COMPENSATION HISTORICAL HIGHLIGHTS 1914 - 2014



A section of the general offices of the State Industrial Accident Commission at Suite 741, Equitable Building, Baltimore in 1914.



A Hearing Room of the State Industrial Accident Commission at its headquarters in Baltimore in 1914.



Select excerpts from the First Annual Report of the State Industrial Accident Commission, 1914.

MARYLAND WORKERS' COMPENSATION COMMISSION

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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.

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.

LETTER FROM THE CHAIRMAN



On behalf of my fellow Commissioners and our agency's dedicated staff, it is a privilege to present the 2014 Annual Report of the Maryland Workers' Compensation Commission. This comprehensive overview pertains to the July 1, 2013 to June 30, 2014 time period and fulfills our statutory obligation outlined in LE 9-312. It is an honor for me to be part of this outstanding team as we continue to fulfill our stated mission of "securing the equitable and timely administration of the law."

Public employees are not often recognized for their service and work ethic. I would like to take this opportunity to highlight the Commission staff's commitment to excellence and tireless effort as they perform their responsibilities. Their professionalism and technical acumen permit the agency to operate smoothly and effectively. This focus and dedication is the reason why Maryland's workers' compensation system operates at a level rarely seen elsewhere in the United States. I applaud my colleagues for their success.

This year marks a milestone for workers' compensation in Maryland; it is the 100th anniversary of our enabling statute. As we celebrate this landmark, it is important to recall the people who built the solid foundation of our system and thank them for their legacy. It is equally important to look to the future and work for an even better organization than we already are.

The information provided in this report will hopefully be a valuable resource tool for you. It is available through our website to maximize its distribution to the public. Few copies are actually printed to reduce waste. Regardless, the data included in it is extensive and gives specific insight to the facts and trends affecting injured workers, employers, insurers, and all the stakeholders in workers' compensation. Special thanks go out to Amy S. Lackington for her work in publishing the report.

I would also like to extend the Commission's gratitude to our indispensable partners and leaders in government. Governor Martin O'Malley and the General Assembly have consistently been a source of great support. We also appreciate the immeasurable help we receive from the Legislative Oversight Committee, the Maryland Workers' Compensation Education Association, the Medical Fee Guide Committee, and the Budget Advisory Committee. Collectively, we are able to better serve the entire community.

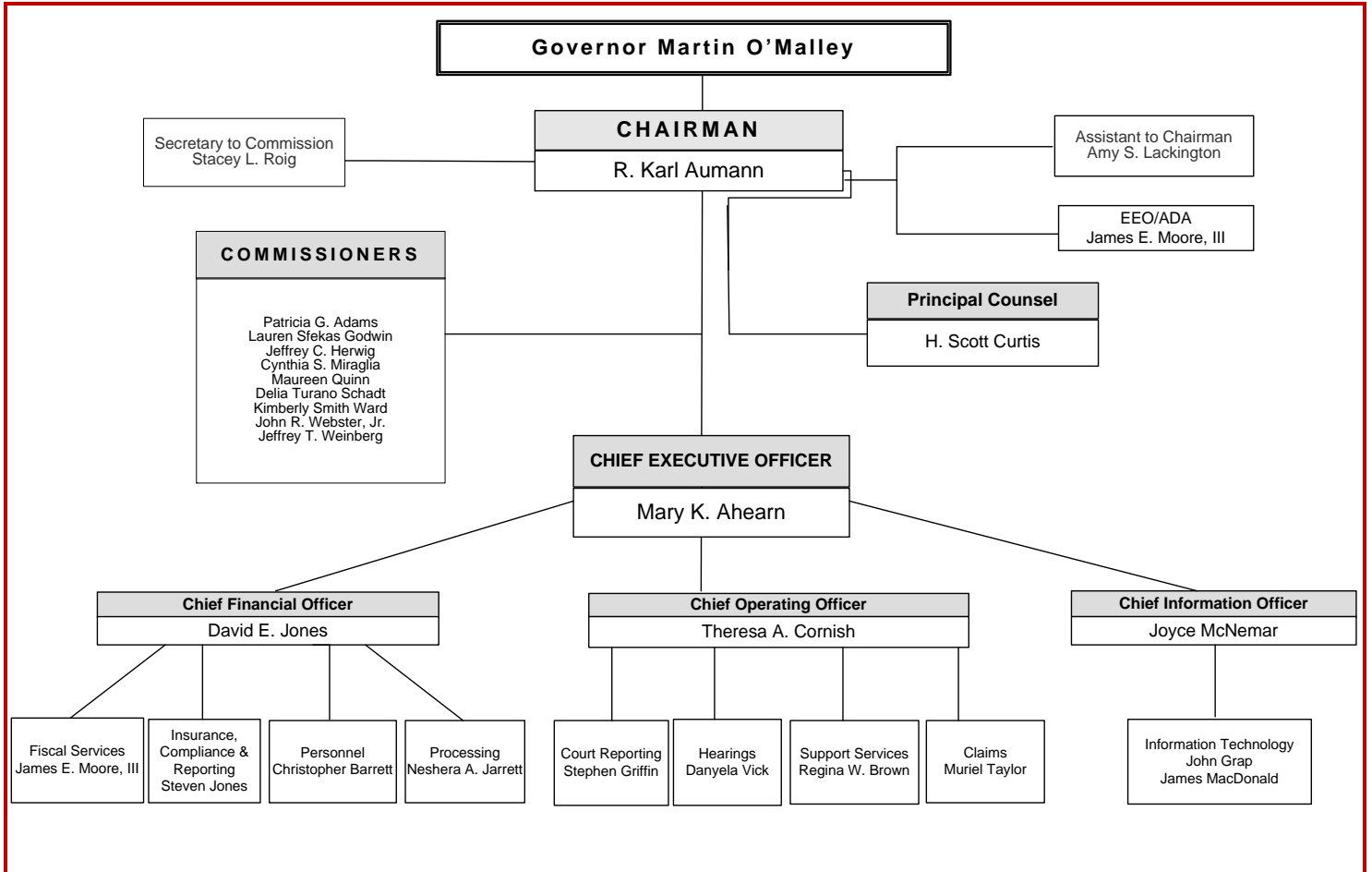
Sincerely yours,

A handwritten signature in black ink, appearing to read "R. Karl Aumann".

R. Karl Aumann

ORGANIZATIONAL CHART

Workers' Compensation Commission



Pictured (left to right) David Jones, Christopher Barrett, Theresa Cornish, Neshera Jarrett, Mary Ahearn, Joyce McNemar, Steven Jones, Amy Lackington, Regina Brown, Danyela Vick, Stephen Griffin, and Stacey Roig.

BIOGRAPHIES

R. Karl Aumann, *Chairman*



R. Karl Aumann was appointed Commissioner of the Workers' Compensation Commission in February 2005, and was subsequently named as Chairman in October 2005. Immediately prior to this appointment, he served as Maryland's Secretary of State. He earned a Bachelor of Arts from Loyola University in Maryland in 1982. Chairman Aumann 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 for Congressman Robert Ehrlich. Chairman Aumann served as president of the Southern Association of Workers' Compensation Administrators and is co-chair of the Adjudication Committee of the International Association of Industrial Accident Boards and Commissions. He has served since 2010 as a board member of the National Association of Workers' Compensation Judiciary, and since 2006 as a board member of the Maryland Workers' Compensation Educational Association.

Mary K. Ahearn, *Chief Executive Officer*



Mary Ahearn was appointed Executive Director of the Workers' Compensation Commission in 2003, and has been a member since 1999. 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, and served for several years as a Board member of the Maryland Chapter of the Juvenile Diabetes

Research Foundation. She is a Past President of the Southern Association of Workers' Compensation Administrators and is a Past President of the International Association of Industrial Accident Boards & Commissions. In addition to her years of experience with the Commission, Ms. Ahearn has more than 10 years of management and administrative experience in the public and private sectors.

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.

Lauren Sfekas Godwin, *Commissioner*



Lauren Sfekas Godwin 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 Godwin spent 14 years in private practice,

concentrating on workers' compensation law. She serves on the President's Council of Mount Saint Mary's University, is a volunteer driver for the Road to Recovery Program of the American Cancer Society and participates on the scholarship committees of the Ulman Cancer Foundation and the Community Foundation for Howard County. She has published and lectured extensively on workers' compensation matters.

BIOGRAPHIES

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 on Injured Workers' Rehabilitation, President of the District of Columbia Association of Insurance Compensation Attorneys, board member of various civic organizations, and 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. Commissioner Herwig is an Adjunct Professor at the University of Baltimore School of Law.

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 Baltimore County and is a current member of The Board of Trustees for The Caroline Center. Commissioner Miraglia was the recipient of the 2009 Rita C. Davidson award by the Women's Bar Association of 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 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 Ethics.

Delia Turano Schadt, *Commissioner*



Delia Turano Schadt, a native of Cumberland, Maryland, graduated from James Madison University with a Bachelor of Science Degree in Political Science in 1989. She earned her Juris Doctor from The University of Dayton School of Law in 1992. She then served as law clerk to The Honorable J. Frederick Sharer and The Honorable Gary G. Leasure in the Circuit Court for Allegany County. She began her

legal career practicing workers' compensation law and was employed by the Injured Workers' Insurance Fund from 1993 until 2000. Following this, she was employed with the Maryland Office of the Attorney General where she served as Board Counsel to health occupation licensing boards until being appointed to the Maryland Workers' Compensation Commission by Governor Martin O'Malley in 2011.

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." Commissioner Ward is an Adjunct Professor at Coppin State University where she teaches vocational expert witnessing.

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 was 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 to the Maryland Workers' Compensation Commission on February 16, 2007 by Governor Martin O'Malley. Commissioner Weinberg was confirmed by the State Senate on March 9, 2007. Jeffrey T. Weinberg attended the University of Maryland at College Park and the University of Baltimore School of Law. Prior to being appointed to the Commission, Mr. Weinberg was in private practice law, focusing primarily on workers' compensation matters. 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; past member of the Workers' Compensation Medical Fee Advisory Committee; past member of the Maryland Trial Lawyers Association Workers' Compensation Committee as well as its Vice Chairman 2005-2006 and a past member of its Legislative Committee; and a member of the Maryland State Bar Association.

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

Personnel in the News

JEROME P. REICHMISTER, M.D.

The Commission is pleased to announce the appointment of **Jerome P. Reichmister, M.D.**, as its new Medical Director. Recently retired from OrthoMD, Dr. Reichmister is a Board Certified physician in the areas of Orthopedic Surgery and Forensic Medicine, and has been Chairman of the Department of Orthopedics at Sinai Hospital since 1990. He has authored a number of journal articles, and has lectured to Orthopedic resident doctors, law firms and insurance carriers. Named *Baltimore Magazine's* Top Doctor in 1995 and 2009, Dr. Reichmister brings to the Commission over 40 years of medical expertise. Welcome Dr. Reichmister!

International Association of Industrial Accident Boards and Commissions

46 jurisdictions from around the world were represented at the 99th Annual Convention of the International Association of Industrial Accident Boards and Commissions ("IAIABC"), held September 30 – October 3, 2013 in San Diego, California. New this year was a Judicial Program co-sponsored by the IAIABC and the National Association of Workers' Compensation Judiciary ("NAWCJ") featuring speakers on topics such as the strict applicability of rules of evidence, and the growth of mediation as a means of expediting and fairly resolving workers' compensation disputes. The IAIABC will hold its *Centennial Convention* September 29 - October 2, 2014 in Austin, Texas.

The IAIABC *Forum 2014* was held April 7 – April 10, 2014 in Coeur d'Alene, Idaho. The *Forum 2014* program included both educational and research break-out events. Committee meetings consisted of an Executives' Forum, a Research Roundtable presentation, Medical Institute session, a panel featuring experts in the field of Workplace Reintegration, and a session on Electronic Medical Billing ("eBilling").

Maryland Workers' Compensation Educational Association

The Maryland Workers' Compensation Educational Association ("MWCEA") held its 29th annual conference September 15-18, 2013 in Ocean City, Maryland under the theme of "Smooth Sailing." The keynote speaker, David Hart (Risk Management and Safety Programs/

Protocol), a former U.S. Army Ranger and Pathfinder, shared his experiences in dealing with the challenges and rewards of high performance leadership and teamwork. Mr. Hart is founder of the JUMP Institute and author of *JUMP! Leaps in Organizational Performance and Teamwork*.

Monday's breakout sessions included "Anchors' Aweigh! The First 72 Hours," which gave practical tips for defending claims; "Sick Bay – Appropriate Medical Treatment" covering the initial medical care of the injured worker; and "Rough Seas Ahead! The Medical Dilemma of Pain Management and Addiction." Tuesday's program focused on the claim process with "Don't Rock the Boat, Keep the Claim Moving," "All Hands on Deck – Everybody has to Work," "Avoiding Mutiny" when dealing with the Workers' Compensation Commission, and "Board of Inquiry"- a mock trial of a workers' compensation hearing. The day ended with "Sailing Off Into the Sunset – Settlement of a Claim." "Dropping the Anchor (the 'Wrap Up')" ended this year's conference on Wednesday.

Once again, the Kids' Chance 1-Mile Run/Walk on the Beach drew a large number of participants to benefit the Kids' Chance of Maryland, Inc., scholarship fund.

2014 marks the 100th Anniversary of Workers' Compensation and MWCEA will celebrate 30 years of bringing the Maryland Workers' Compensation community together September 14-17, 2014 in Ocean City, Maryland.

Alfred M. Porth Memorial Award

On September 17, 2013 the Maryland Workers' Compensation Educational Association awarded the Alfred M. Porth Memorial Award to Thomas Patrick O'Reilly, former Chairman of the Workers' Compensation Commission. Mr. O'Reilly was instrumental in the establishment of permanent regional hearing sites and the Commission's business processes. These progressive expansions, while just the tip of the iceberg, allowed the Commission to schedule hearings more quickly. Prior to coming to the Commission, Mr. O'Reilly was elected to the Maryland Senate in 1974 and subsequently served four consecutive terms.

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

The award is named for Alfred M. Porth (1916-1992), of the law firm of Smith, Somerville & Case and one of the foremost practitioners of Maryland workers' compensation laws.

National Council on Compensation Insurance

The National Council on Compensation Insurance ("NCCI") presented its annual Maryland State Advisory Forum on October 22, 2013 in Baltimore. The goal of the Forum is to ensure that all workers' compensation participants understand the conditions in their state and more fully appreciate NCCI's loss cost and ratemaking methodologies. The 2014 Maryland State Advisory Forum will be held September 23, 2014 at the Hyatt Regency Inner Harbor in Baltimore.

NCCI held its Regulatory Forum and Annual Issues Symposium ("AIS") May 7-9, 2014 in Orlando, Florida. The conference joined together regulators, legislators, reinsurers, carriers and third party administrators to meet and gather fresh insights about the developing trends in workers' compensation.

Southern Association of Workers' Compensation Administrators

On July 15-19, 2013, the Southern Association of Workers' Compensation Administrators ("SAWCA") held its 65th Annual Convention in St. Pete Beach, Florida, where State Regulators and Industry Professionals gathered to discuss the hottest issues facing workers' compensation. This year's keynote speaker was Steve Cummins, Sr. Director of Human Resources at Churchill Downs. The 66th Annual Convention will be held July 14-18 in Sarasota, Florida.

SAWCA's *All Committee Conference* ("ACC") was held November 12-15, 2013 at St. Simons Island, Georgia. This event provided an opportunity for regional State Regulators from 19 jurisdictions across the southern United States, including Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, North Carolina, Tennessee, Texas, Virginia and West Virginia, and industry professionals from across the nation, to discuss the most important issues facing workers'

compensation. The 2013 ACC provided a forum for southern regulatory leaders to share and discuss ideas and concerns relating to a variety of issues facing the industry. Topics discussed included expert panel discussion on uninsured, insolvent entities, and guaranty funds. Breakout committee meetings addressed judicial concerns, medical issues (including pain management) and fraud.

Workers' Compensation Institute and National Association of Workers' Compensation Judiciary

The 68th Annual Workers' Compensation Educational Conference was held August 18-21, 2013 in Orlando, Florida in conjunction with programs sponsored by the National Association of Workers' Compensation Judiciary ("NAWCJ"). This emerging national conference has evolved into a gathering of all stakeholders, regardless of jurisdiction or state, to study and be educated on issues of common concern. The 69th Annual Conference will be held August 17-20, 2014.

New Forms, Revisions and Reprinted

C-2	Statement of Wage Information (rev. 05/14)
C-51	Claim for Medical Services (rev. 03/14)
ECO1	Request to Enter Appearance of Counsel for Employer Compliance Hearing (rev. 02/14)
ECO2	Request to Strike Appearance of Counsel for Employer Compliance Hearing (rev. 02/14)
H-11-AOA	Cover Sheet for Action on Claims on Appeal (rev. 06/14)
H-50	Transcript Request Form (04/14)
VR06	Agreement on the Propriety of Services and Selection of Practitioner (04/14)
VR13R	Disagreement with Proposed Vocational Rehabilitation Plan (04/14)

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

8-Year Regulatory Review

In October 2013, the Commission completed its regulatory review in accordance with the Regulatory Review and Evaluation Act (§§ 10-130 through 10-139 of the State Government Article). The purpose of this review was to determine whether the Commission's regulations continued to accomplish the purposes for which they were adopted, clarify ambiguous or unclear language, and repeal any obsolete or duplicative provisions. Final Evaluation Reports were submitted to the Administrative, Executive, and Legislative Review Committee (AELR) and the Division of State Documents for the following chapters: 14.09.01 Procedural Regulations; 14.09.04 Guide for Evaluation of Permanent Impairment; 14.09.06 Local Office Requirements for Insurers; 14.09.07 Uninsured Employers' Fund Claims; and 14.09.08 Open Meetings.

Regulation Update

In 2013 the Commission undertook the enormous task of amending and recodifying certain existing Regulations under Title 14 (Independent Agencies) Subtitle 09 (Workers' Compensation Commission) of the Code of Maryland Regulations. This action was taken as a result of the overall review and restructuring of the Regulations. The changes, which became effective March 3, 2014, clarified and thematically organized many of the practices and procedures of the Workers' Compensation Commission. A complete list of all regulatory changes can be found under the Regulatory/Legal Update section of this Annual Report.

Insurance, Compliance and Reporting Update

Prior to the passing of House Bill 1330 and its implementation, the decision as to whether a Maryland employer is required to maintain workers' compensation insurance was made only during the adjudication of a claim arising out of a specific occurrence.

As a result of changes to Labor & Employment Article, §9-407 effective October 1, 2013, the Commission commenced development of a program to ensure that employers maintain insurance for covered employees prospectively. Prospective uninsured employers are identified using data from the National Council on Compensation Insurance (NCCI). The NCCI data lists all

workers' compensation insurance policy transactions of the previous month. Commission staff sort the data to obtain all insurance policies that have been cancelled, lapsed or non-renewed without a corresponding new policy, reinstatement or renewal. Commission staff also compares this data to the Department of Labor's Unemployment Insurance database. Employers are contacted to determine if insurance exists or the reason(s) that insurance is not required. Employers that do not respond to the Commission's information requests are scheduled for a hearing to show cause as to why insurance is not required. If after hearing, the Commission finds that insurance is required; employers are ordered to obtain insurance and may be fined up to \$10,000. Employers that do not comply with the order to obtain insurance may be ordered to appear for a non-compliance hearing and fined up to an additional \$10,000. All fines are to be paid to the Uninsured Employers' Fund which has the responsibility to collect the fines.

In fiscal year 2014, the Commission commenced scheduling Show Cause hearings for those employers whose workers' compensation policies have lapsed. The Commission scheduled 39 suspected uninsured employers to show cause why they should not be: (1) required to secure compensation for all covered employees of the employer; (2) found in violation of §9-402 of the Labor and Employment Article; and (3) assessed a penalty for noncompliance with §9-402 of the Labor and Employment Article. Thereafter, 19 penalty orders were issued with fines totaling \$136,000. The goal of the Employer Compliance Program is to enforce employer compliance with the requirement that an employer secure workers' compensation insurance for covered employees, thereby reducing the cost associated with workers' compensation for all stakeholders.

Court Reporting Update

Pursuant to COMAR 14.09.11.02, the Court Reporting Division has created a new form, Request for Transcript (WCC H-50). This form has been implemented to facilitate a uniformed process for requesting a transcript, whether for appeal purposes or other needs. In addition, the form is used to notify the Commission of the circuit court disposition. Cover Sheet for Action on Claims on Appeal (WCC H-11-AOA), has been modified to reflect that only a copy of the Appellate Court's signed Judge's

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

Memorandum and Order need be attached to the form; docket entries are no longer required to be submitted to the Commission.

Processing Division

The Commission increased the number of scanning stations to five in order to enable the scanning process to be performed on a continuous basis, thereby providing a more efficient and expedient process for scanning documents in the Filenet Imaging System.

On July 1, 2014, Senate Bill 130 went into effect. As a result, LE § 9-707 was revised to provide that employers will file a First Report of Injury (FROI) with the Workers' Compensation Commission, and the Commission will then provide electronic access to the FROI data to Maryland Occupational Safety and Health (MOSH). The employer will no longer be required to submit a duplicate copy of the FROI to MOSH. In accordance with COMAR 14.09.01.02—Commission Forms, the Commission only accepts the FROI form (1A-1) prepared and issued by the Commission.

With the above-referenced statutory change, the following fields must be completed and are required by MOSH: Type of Injury/Illness, Date of Death (if applicable) and Initial Treatment. If these and all other required fields are not complete or if a form other than the Commission's is used, the FROI will be returned. The Commission utilizes WCIO Type of Injury/Illness codes and provides a link on its website to these codes.

In December 2009 the Commission entered into a project with Chesapeake Employers' Insurance Company to receive the FROI data via electronic data interchange (EDI). Currently, Chesapeake is submitting 98% of its FROIs in this manner. The Commission is working on plans to expand its EDI capabilities to additional system participants.

Personnel Division Update

In following the example of the Commission as a whole, the Personnel Division of the Commission has taken additional precautions to protect the valuable personal data of its employees. We have recently purchased fire-proof/water-proof cabinets to ensure that the documents entrusted to us by our employees are properly protected.

These documents will be maintained in a separate enclosed area that has limited access.

Fixed Asset Management System Upgrade

In May the Commission upgraded its fixed asset management software and hardware. The upgrades allow for a more efficient process when completing the annual physical inventory and when performing routine tasks throughout the year. Previously the inventory software was only accessible by one user at a time as it was housed on an individual computer. After the upgrade, the software is server based, which allows for multiple, simultaneous users as well as more secure back-up of the data. The upgraded handheld scanner also makes the physical inventory more efficient as the design is more ergonomic and its menus are more intuitive to use.

Redesigned Office Space

The Commission redesigned space in its Baltimore office building to create a multi-purpose meeting room. The 2,000 square foot space is large enough for all employees to meet in one location, something that the Commission was not able to accommodate previously. The multi-purpose room was created by consolidating vacant workstations and redesigning open space. It is used on a regular basis for employee training, agency wide meetings, committee meetings, and meetings of the agency's partners and associations. Utilizing the new space is a cost savings to the Commission as agency wide meetings will now be able to be held in house instead of at private conference facilities offsite.

Information Technology Update

During fiscal year 2014, the Information Technology Development team has worked on and completed many projects to improve the online services to the Workers' Compensation Community. The most noticeable ones are:

The current eNotification System was enhanced to include award orders and appeal notices, as well as making the system easier and more practical to use for subscribers. The eNotification System allows subscribers to the WCC Online System to receive various Commission documents, notices and other forms via e-mail instead of postal mail. The process allows subscribers to access these various documents

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

immediately the date they are processed, instead of waiting for them to be delivered by mail.

The IT Division also enhanced its systems to enable a wider range of attachments to any of the online forms that the community can submit to WCC.

Support Services Update

Due to the enormous number of requests for interpreter services, effective February 17, 2014, the Commission increased the number of interpreter requests to eight cases per docket. The Interpreter Program Office will accept up to five requests, per attorney firm, per docket.

Appeals Project with Prince George's County Circuit Court Update

Since the Commission's active initiative with Prince George's County began in fiscal year 2014, 562 appeals were filed; of those, less than 25% required the Commission to print the case file and transcript and mail those documents to the Circuit Court.

Public Service Update

The Public Service Division informs and instructs the general public on procedures for filing a claim, researching records, and retrieving documents from the computer database, both by telephone and in person, in accordance with the Commission's established policies and procedures. During the past year, Public Service was responsible for answering over 30,000 calls, with 51,000 additional calls being routed through the Commission's Integrated Voice Response (IVR) system. In addition, Public Service also received and processed over 15,000 subpoenas, 1,000 requests for documents, 96 new attorney registrations, and numerous requests to transfer microfilmed documents into electronic data.

Although the department encounters a moderate level of incoming telephone calls and a high volume of in person transactions, the goal of the Public Service Division is to continue to provide the community with the highest level of exceptional service possible.

Injured Workers' Insurance Fund/Chesapeake Employers' Insurance Company

Under Maryland legislation (Chapter 570 Laws of Maryland 2012), Injured Workers' Insurance Fund (IWIF), converted to Chesapeake Employers' Insurance

Company on October 1, 2013. In preparation leading up to the conversion, the Claims department, Information Technology department and other agency departments worked closely with key staff at IWIF to ensure that a smooth and seamless transition occurred on schedule.

Winter Weather Events Hit Maryland

This year, Mother Nature again released her wrath over Maryland with numerous winter weather events that forced the Commission to cancel a record number of dockets during the months of December, January, February and March. More than 70 dockets were cancelled, and as a result the Commission continued and reset almost 700 cases on an expedited basis.

American Red Cross First Aid/CPR/AED Training/Certification Program

Several of the Commission staff participated in the American Red Cross First Aid/CPR/AED program. The program is designed to help participants recognize and respond appropriately to cardiac, breathing and first aid emergencies. It teaches skills that the participants need to know to give immediate care to a suddenly injured or ill person until more advanced medical personnel arrive to take over. The safety and well-being of visitors and staff is very important to the Commission and is shown by the commitment and willingness of the participants that have completed their training and received their certification. Currently, the Commission's Automated External Defibrillator (AED) is located at its main office in Baltimore City in the fourth floor reception area.

Reminders and Tips

Please make sure that the Commission has a current address for **all** parties (Employers, Insurers, Injured Workers and Attorneys) to a claim. This will ensure that information is received in a timely manner and is not returned to the Commission by the post office. An incorrect address can cause an unnecessary delay in the processing of a claim.

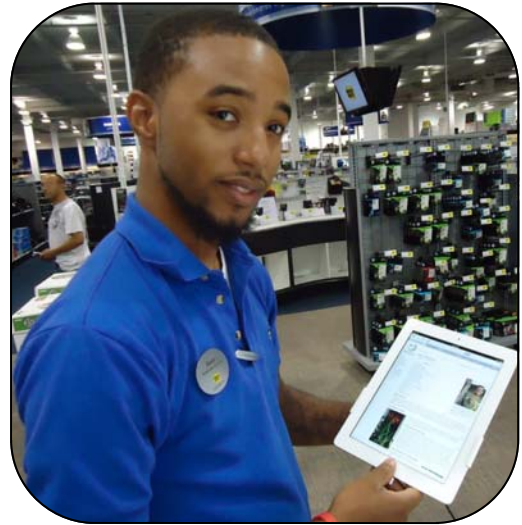
Report on Fraud Unit

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

AGENCY HIGHLIGHTS AND PROCESS IMPROVEMENTS

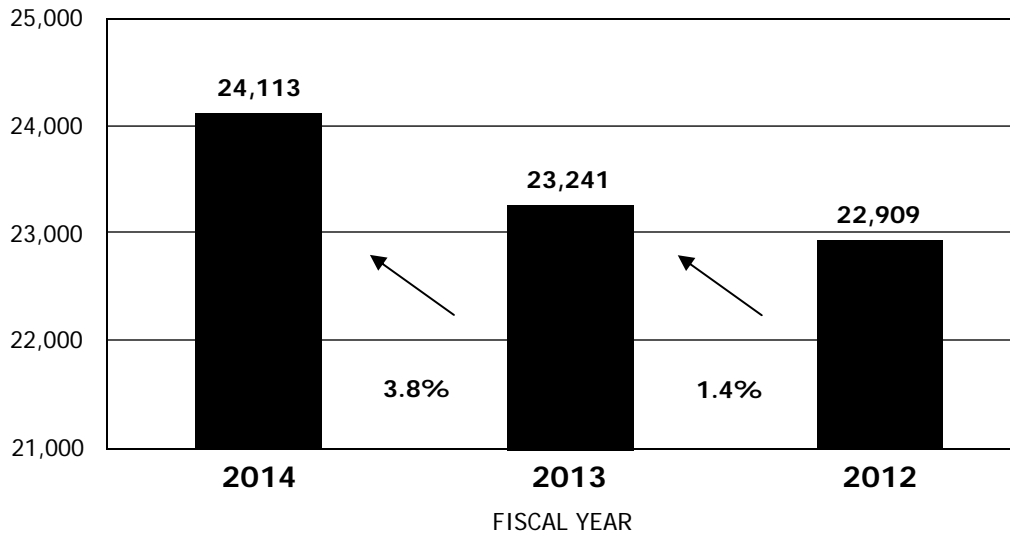
person knowingly affected or knowingly attempted to affect the payment of compensation benefits, fees or expenses under the Workers' Compensation Act by means of a fraudulent representation. During fiscal year 2014 the Commission continued to review cases for possible referral to the Insurance Fraud Division, and referred four cases for investigation.

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



TABLES AND CHARTS

FIGURE 1 • Filed Claims



MARYLAND WORKERS' COMPENSATION COMMISSION

FIGURE 2 • Filed Claims by Industry

INDUSTRIES WITH MORE THAN 100 FILED CLAIMS	FISCAL YEAR					
	2014		2013		2012	
	Count	Percent	Count	Percent	Count	Percent
Policemen - Security	2,478	10.3%	2,445	10.5%	2,283	10.0%
Truckmen N.O.C.	1,124	4.7%	1,082	4.7%	1,007	4.4%
Colleges Or Schools Incl. Day Care	1,916	7.9%	1,709	7.4%	1,544	6.7%
TOP 3 INDUSTRIES IN FILED CLAIMS	5,518	22.9%	5,236	22.5%	4,834	21.1%
Building, Raising Or Moving - General Construction	683	2.8%	661	2.8%	606	2.6%
Hospitals - All Other Employees	1,020	4.2%	1,079	4.6%	980	4.3%
Hotels, Restaurants, Bars & Nightclubs	871	3.6%	877	3.8%	716	3.1%
Firemen Incl. Volunteer Dept & Ambulance Service	799	3.3%	769	3.3%	695	3.0%
Meat Combined Grocery And Provision Stores Retail	569	2.4%	574	2.5%	525	2.3%
Automobile Garages Or Repair Shops Inc. Dealers	573	2.4%	486	2.1%	459	2.0%
Taxicab And Bus Companies	768	3.2%	765	3.3%	660	2.9%
Convalescent Or Nursing Homes All Employees	813	3.4%	737	3.2%	762	3.3%
Carpentry N.O.C. - Renovations	353	1.5%	320	1.4%	374	1.6%
Clothing Or Dry Goods Stores Retail	313	1.3%	232	1.0%	268	1.2%
Municipal Township County Or State Employees N.O.C.	382	1.6%	404	1.7%	315	1.4%
Storage Warehouses General Merchandise N.O.C.	472	2.0%	461	2.0%	414	1.8%
Clerical Office Employees N.O.C.	182	0.8%	182	0.8%	173	0.8%
Charitable Organizations (Goodwill)	332	1.4%	317	1.4%	288	1.3%
Plumbing-Steam Fitting	184	0.8%	181	0.8%	222	1.0%
Store Risks Wholesale Or Combined N.O.C. K-MART	332	1.4%	350	1.5%	319	1.4%
Sheet Metal Work Incl. Air Conditioning & Refrigeration	193	0.8%	161	0.7%	188	0.8%
Buildings Operation By Contractors	243	1.0%	222	1.0%	209	0.9%
Landscape & Tree Surgery	229	0.9%	256	1.1%	250	1.1%
Unclassified (Insufficient Data)	218	0.9%	225	1.0%	196	0.9%
Electrical Wiring In Buildings	219	0.9%	216	0.9%	189	0.8%
Housing Authorities - Apts & Condos Incl. Real Estate	276	1.1%	232	1.0%	241	1.1%
Employment Agencies	208	0.9%	203	0.9%	126	0.6%
Physicians Incl. Clerical	283	1.2%	248	1.1%	225	1.0%
Telephone or Telegraph Companies	117	0.5%	N/A		102	0.4%
Garbage Refuse Collecting	140	0.6%	144	0.6%	N/A	
Public Health Nursing Association All Employees	N/A		110	0.5%	N/A	
Aircraft Operation	219	0.9%	N/A		N/A	
Street or Road Construction Paving or Repaving	118	0.5%	N/A		N/A	
Industries With More Than 100 Filed Claims	10,772	44.7%	10,412	44.8%	9,502	41.5%
Number Of Industry Groups Represented	32		29		28	
All Other	7,823	32.4%	7,593	32.7%	8,573	37.4%
TOTAL	24,113	100.0%	23,241	100.0%	22,909	100.0%

Source: Commission Data, July 2014

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

NOC: Not Otherwise Classified

FIGURE 3 • Awards According to Weeks of Disability and Body Part

FISCAL YEAR 2014					
TOP TEN BODY PARTS DISABLED					
BODY PART	1–74 Weeks	75–249 Weeks	Greater than 249 Weeks	Total	Percent of Total
Thorax-Lower (Back)	1,643	569	65	2,277	28.0%
Shoulder	613	669	20	1,302	16.0%
Knees	807	343	10	1,160	14.3%
Neck	518	203	12	733	9.0%
Hands	499	121	2	622	7.7%
Legs	306	176	9	491	6.0%
Ankle or Ankle and Leg	304	93	5	402	4.9%
Spinal Cord	273	115	9	397	4.9%
Feet	279	92	4	375	4.6%
Arms	230	136	6	372	4.6%
TOTAL	5,472	2,517	142	8,131	100.0%
PERCENT OF TOTAL	67.3%	31.0%	1.7%	100.0%	

Source: Commission Data, July 2014

FIGURE 4 • Permanency Awards According to Weeks of Disability

FISCAL YEAR	1–74 Weeks	75–249 Weeks	Greater than 249 Weeks	Total
2014	7,059	3,005	210	10,274
	68.7%	29.3%	2.0%	100.0%
2013	7,369	3,447	281	11,097
	66.4%	31.1%	2.5%	100.0%
2012	7,819	3,533	276	11,628
	67.2%	30.4%	2.4%	100.0%

Source: Commission Data, July 2014



MARYLAND WORKERS' COMPENSATION COMMISSION

FIGURE 5 • Permanency, Fatality, and Compromise Awards by Type of Award

TYPE	FISCAL YEAR								
	2014			2013			2012		
	Count	Amount	Average	Count	Amount	Average	Count	Amount	Average
Permanent Total	59	\$4,913,717	\$83,283	93	\$7,112,568	\$76,479	77	\$6,459,497	\$83,890
Percent Change - Prior Year	-36.5%	-30.9%	8.9%	20.8%	10.1%	-8.8%	-19.8%	-11.8%	10.0%
Permanent Partial	10,274	194,310,608	18,913	11,025	216,749,637	19,660	11,632	218,894,804	18,818
Percent Change - Prior Year	-6.8%	-10.3%	-3.8%	-5.2%	-1.0%	4.5%	10.7%	13.2%	2.2%
Fatality	41	6,688,330	163,130	36	4,146,554	115,182	43	3,382,047	78,652
Percent Change - Prior Year	13.9%	61.3%	41.6%	-16.3%	22.6%	46.4%	-24.6%	-16.5%	10.6%
Compromise	6,290	158,716,626	25,233	5,822	166,806,864	28,651	5,343	159,806,463	29,909
Percent Change - Prior Year	8.0%	-4.8%	-11.9%	9.0%	4.4%	-4.2%	-1.5%	3.7%	5.3%
Total	16,664	364,629,281	21,881	16,976	394,815,623	23,257	17,095	388,542,811	22,728
Percent Change - Prior Year	-1.8%	-7.6%	-5.9%	-0.1%	1.6%	2.3%	6.3%	8.3%	1.8%
Compromise as a Percent of Permanent Partials		81.7%	133.4%		76.9%	145.7%		73.0%	158.9%

Source: Commission Data, July 2014

FIGURE 6 • Commission Claims Data

COMMISSION CLAIM ACTIONS	FISCAL YEAR					
	2014		2013		2012	
	Count	Percent	Count	Percent	Count	Percent
First Reports of Injury	105,081		111,895		105,074	
Total Filed Claims	24,113	100.0%	23,241	100.0%	22,909	100.0%
Disputed Accidental Injury Claims	8,447	37.1%	8,624	37.1%	8,038	35.1%
Temporary Total Awards	14,060	58.9%	13,700	58.9%	13,418	58.6%
Claims Settled	6,348	25.3%	5,899	25.3%	5,343	23.3%
Claims Deferred	6,905	28.0%	6,513	28.0%	6,450	28.2%
Claims Disallowed by Commission	645	2.6%	612	2.6%	638	2.8%

Source: Commission Data, July 2014



FIGURE 7 • Fatalities by Industry Grouping

INDUSTRY GROUP	Employment ⁽¹⁾	FISCAL YEAR		
		Fatalities ⁽²⁾		
		2014	2013	2012
STATE GOVERNMENT	101,298	5	1	3
LOCAL GOVERNMENT	251,870	14	12	11
GOVERNMENT SECTOR TOTAL	353,168	19	13	14
GOOD PRODUCING				
Natural Resources and Mining	6,141	0	0	0
Construction	147,718	7	3	5
Manufacturing	105,842	2	2	1
SERVICE PROVIDING				
Trades, Transportation , and Utilities	457,055	3	5	2
Information Technology	39,165	0	0	0
Telecommunications	15,218	0	0	0
Financial Activities	138,013	0	1	0
Professional and Business Services	418,951	0	4	0
Education and Health Services	407,342	0	0	1
Leisure and Hospitality	249,658	1	0	1
Other Services	88,537	1	3	6
UNCLASSIFIED	0	25	25	20
PRIVATE SECTOR TOTAL ALL INDUSTRIES	2,073,640	39	43	36
TOTAL EMPLOYMENT/FATALITIES	2,426,808	58	56	50

Source: ⁽¹⁾ DLLR 4th Quarter 2013

⁽²⁾ Commission Data, July 2014



FIGURE 8 • Filed Claims by Gender and Age

FISCAL YEAR 2014			
Gender	Age Group	Claims Filed	Percent
Male	Unknown	3	0.0%
Male	10 - 19	161	0.7%
Male	20 - 29	2,608	10.8%
Male	30 - 39	3,420	14.2%
Male	40 - 49	3,894	16.1%
Male	50 - 59	3,316	13.8%
Male	60 - 69	1,210	5.0%
Male	70 - 79	173	0.7%
Male	80 - 89	17	0.1%
		Total 14,802	61.4%
Female	Unknown	2	0.0%
Female	10 - 19	93	0.4%
Female	20 - 29	1,393	5.8%
Female	30 - 39	1,787	7.4%
Female	40 - 49	2,366	9.8%
Female	50 - 59	2,550	10.6%
Female	60 - 69	994	4.1%
Female	70 - 79	112	0.5%
Female	80 - 89	14	0.1%
		Total 9,311	38.6%
		Total Filed Claims 24,113	100.0%

Source: Commission Data, July 2014



FIGURE 9 • Source of Appeals

SOURCE	FISCAL YEAR		
	2014	2013	2012
Claimant	1,206	1,200	1,185
Employer/Insurer	783	774	791
Subsequent Injury Fund	19	27	37
Uninsured Employers' Fund	10	13	18
TOTAL	2,018	2,014	2,031

Source: Commission Data, July 2014

FIGURE 10 • Hearing Transcripts

CATEGORY	FISCAL YEAR		
	2014	2013	2012
Non Appeal Transcripts	1,572	1,448	1,706
Appeal Transcripts	1,824	1,831	1,841

Source: Commission Data, July 2014



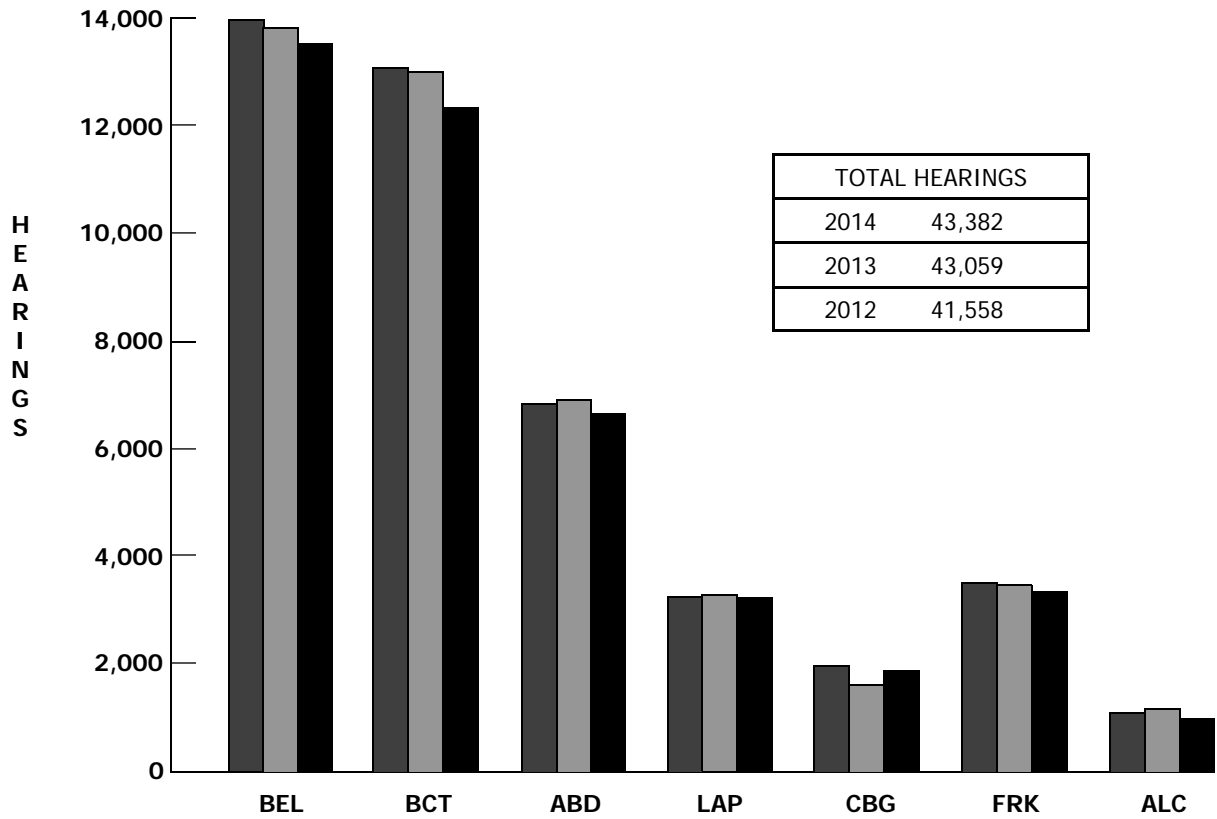
MARYLAND WORKERS' COMPENSATION COMMISSION

FIGURE 11 • Source of Claims and Appeals by Political Subdivision

JURISDICTIONS	FISCAL YEAR					
	2014		2013		2012	
	Claims	Appeals	Claims	Appeals	Claims	Appeals
Baltimore County	4,178	317	4,004	290	4,068	292
Baltimore City	3,671	213	3,601	228	3,278	237
Prince George's County	3,215	369	3,009	386	3,027	373
Montgomery County	2,141	174	2,069	190	2,098	200
Anne Arundel County	1,991	153	1,962	167	1,907	156
Harford County	1,013	78	966	75	916	82
SIX MAJOR METRO AREAS - COUNT	16,209	1,304	15,611	1,336	15,294	1,340
Percent of Total Filed Claims	67.2%	64.6%	67.2%	66.3%	66.8%	66.0%
Frederick County	873	55	787	43	787	61
Washington County	644	62	704	51	691	63
Carroll County	617	38	586	33	632	49
Charles County	523	63	487	58	458	53
Howard County	588	43	582	49	582	45
Wicomico County	354	18	358	18	305	15
Allegany County	330	27	276	32	327	34
Cecil County	333	21	283	18	311	22
Calvert County	328	50	296	37	309	39
St. Mary's County	270	37	268	36	284	33
Caroline County	346	21	304	18	274	17
Queen Anne's County	163	12	172	16	189	13
Dorchester County	171	5	159	4	140	12
Worcester County	168	12	186	14	164	8
Talbot County	102	13	98	10	116	3
Garrett County	105	4	98	7	96	9
Somerset County	81	8	112	2	78	4
Kent County	72	3	54	8	60	8
EIGHTEEN NON-METRO AREAS - COUNT	6,068	492	5,810	454	5,803	488
Percent of Total Filed Claims/Appeals	25.2%	24.4%	25.0%	22.5%	25.3%	24.0%
OUT OF STATE CLAIMS - COUNT	1,836	222	1,820	224	1,812	203
Percent of Total Filed Claims	7.6%	11.0%	7.8%	11.1%	7.9%	10.0%
TOTAL	24,113	2,018	23,241	2,014	22,909	2,031
PERCENT OF CLAIMS APPEALED		8.4%		8.7%		8.9%

Source: Commission Data, July 2014

FIGURE 12 • Scheduled Hearing Distribution



REGIONAL SITES							
	BELTSVILLE	BALTIMORE CITY	ABINGDON	LA PLATA	CAMBRIDGE	FREDERICK	CUMBERLAND
	BEL	BCT	ABD	LAP	CBG	FRK	ALC
2014	13,972	12,847	6,839	3,291	1,976	3,556	901
2013	13,710	12,783	6,886	3,384	1,817	3,537	942
2012	13,331	12,272	6,610	3,268	1,894	3,388	795

FIGURE 13 • Interpreter Office Program Statistics

ITEM	FISCAL YEAR		
	2014	2013	Change
Requests	2,751	2,412	14.1%
Interpretations Provided	1,861	1,649	12.9%
Requests Continued or Withdrawn	889	759	17.1%
Spanish Interpretations	1,665	1,362	22.2%
All Other Interpretations	196	287	-31.7%
Percent Spanish	89.5%	82.6%	6.9%
Number Of Languages Provided	35	38	

Source: Commission Data, July 2014

FIGURE 14 • Vocational Rehabilitation Case Management

FISCAL YEAR 2014		
	Count	Percent
Return to Work		
Same Employer, Same Job	701	48.5%
Same Employer, Different Job	106	7.3%
New Employer, Same Occupation	55	3.8%
New Employer, Different Occupation	216	14.9%
Self-Employment	6	0.4%
Medical Issues, Not Employed	169	11.7%
Subtotal	1,253	86.7%
Employment Status Unknown		
Rehabilitation Services Declined	71	4.9%
Rehabilitation Program Dropout	99	6.9%
Claimant Moved Out of State	11	0.8%
Claimant Declined Job Offers	11	0.8%
Subtotal	192	13.9%
Total Vocational Rehabilitation Case Dispositions	1,445	100.0%

Source: Commission Data, July 2014

FIGURE 15 • Self-Insurance Program

ITEM	FISCAL YEAR		
	2014	2013	2012
Individual Self-Insurers and 1 Group	102	104	103
Covered Self-Insured Employees ⁽¹⁾	430.5 k	428.3 k	420.5 k
Covered Self-Insured Payroll ⁽¹⁾	\$22.1 B	\$20.8 B	\$21.1 B
Self-Insured Payroll as Percent of All Covered Payroll	16.2%	15.3%	16.0%
Security Held ⁽¹⁾	\$227.9 M	\$230.7 M	\$225.0 M
Commission Orders ⁽²⁾	34	15	21

k = Thousand, M = Million, B = Billion

⁽¹⁾ Source: A-01/IC-1 Report 2011 - 2013 Note: Security includes active self-insurers only.

⁽²⁾ Commission Data 2012 - 2014



MARYLAND WORKERS' COMPENSATION COMMISSION

FIGURE 16 • Workers' Compensation Premium Rate Ranking

2012 Ranking	2010 Ranking	2008 Ranking	State	Median Index Rate	State % of Median
1	2	1	Alaska	3.01	160%
2	6	20	Connecticut	2.99	159%
3	5	13	California	2.92	155%
4	3	10	Illinois	2.83	151%
5	13	19	New York	2.82	150%
6	4	9	Oklahoma	2.77	147%
7	7	16	New Jersey	2.74	146%
8	1	2	Montana	2.50	133%
9	10	14	New Hampshire	2.40	128%
10	8	5	Maine	2.24	119%
12	14	15	Pennsylvania	2.15	114%
12	19	34	Wisconsin	2.15	114%
13	26	38	Washington	2.11	112%
14	18	4	Vermont	2.07	110%
15	25	11	Louisiana	2.06	110%
16	12	12	South Carolina	2.04	109%
17	16	24	Minnesota	2.03	108%
19	20	21	Tennessee	2.02	107%
19	29	34	Idaho	2.02	107%
20	28	26	Rhode Island	1.99	106%
21	10	8	Alabama	1.97	105%
22	15	7	Kentucky	1.96	104%
23	28	36	South Dakota	1.91	102%
25	36	41	Iowa	1.90	101%
25	23	22	North Carolina	1.90	101%
27	24	25	Georgia	1.88	100%
27	32	32	New Mexico	1.88	100%
28	17	3	Ohio	1.84	98%
29	40	28	Florida	1.82	97%
30	34	7	Delaware	1.77	94%
31	37	37	Wyoming	1.74	92%
32	23	32	Michigan	1.73	92%
33	30	32	Nebraska	1.71	91%
34	42	44	Maryland	1.68	89%
35	40	36	Hawaii	1.66	88%
36	33	28	Missouri	1.62	86%
37	38	45	Arizona	1.61	86%
38	12	17	Texas	1.60	85%
39	41	39	Oregon	1.58	84%
40	35	41	West Virginia	1.55	82%
41	43	42	Kansas	1.54	82%
42	31	24	Mississippi	1.49	79%
43	47	43	Colorado	1.42	76%
44	44	49	Massachusetts	1.37	73%
45	45	46	Utah	1.35	72%
46	21	18	Nevada	1.33	71%
47	48	29	District of Columbia	1.28	68%
48	47	48	Virginia	1.20	64%
49	49	47	Arkansas	1.19	63%
50	50	50	Indiana	1.16	62%
51	51	51	North Dakota	1.01	53%

Source: Research and Analysis Section, Oregon Department of Consumer and Business Services (Rev. 10/2012)

- Notes:
1. Starting with the 2008 study, when two or more states' Index Rate are the same, they now are assigned the same ranking.
 2. 2012 premium rate indices are calculated based on rates in effect as of January 1, 2012.

FIGURE 17 • Licensed Insurers Writing Workers' Compensation Insurance

Fiscal Year	Licensed Insurers ⁽¹⁾	Licensed Insurers Billed	Percentage of Licensed WC Insurers
2014	658	337	51.2%
2013	658	320	48.6%
2012	634	311	49.0%

Source: Commission Data, July 2014

⁽¹⁾ Includes Self-Insurers

FIGURE 18 • Insurer Assessments and Commission Cost

Fiscal Year	Assessment Base Insured Payroll	Total Insurer Assessments	Safety and Fraud Program Cost	WCC Cost	Assessment per \$1000 of Payroll
2014	\$121,027,528,186	\$25,684,112	\$12,157,148	\$13,898,109	0.212
2013	\$113,830,536,789	\$24,923,537	\$11,660,527	\$13,736,289	0.219
2012	\$110,175,781,742	\$25,059,646	\$11,319,662	\$13,739,984	0.227

Source: Commission Data, July 2014



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 and the Workplace Fraud Act within the Department of Labor, Licensing and Regulation (DLLR). During this fiscal year, \$25,684,112 was assessed and collected with \$12,157,148 being transferred to DLLR for its safety program and workplace fraud initiative. The remaining funds were retained in the Workers' Compensation Fund and were disbursed as Commission operating expenditures as appropriated. The fiscal year 2014

Legislative Appropriation for the Commission's operating expenditures totaled \$14,129,109. Approximately 77.1 percent of this budget provided for the Commission's allotment of 121.0 full-time equivalent permanent position salaries and 11.25 full-time equivalent contractual position salaries, 12.4 percent for fixed costs to include lease agreements and lease escalations, 4.3 percent for contractual services to include computer software and hardware maintenance contracts, 3.4 percent for communications and postage, and 2.8 percent for travel expenses, supplies.

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Legislation

SB65/Ch. 16

Workers' Compensation — Claim Processing — Electronic Delivery of Decisions

Providing that a copy of decisions by the Workers' Compensation Commission may be sent by electronic means to a party or the party's attorney of record. (Effective Date: October 1, 2013)

SB139/Ch. 184

Health Care Practitioners — Prescription Drug or Device Dispensing — Medical Facilities or Clinics That Specialize in Treatment Reimbursable Through Workers' Compensation Insurance

Repealing a certain exception from the requirement that an individual be licensed by the Board of Pharmacy before the individual may practice pharmacy in the State; requiring a dentist, physician, or podiatrist who dispenses a prescription drug or device in the course of treating a patient at a medical facility or clinic that specializes in the treatment of medical cases reimbursable through workers' compensation insurance to obtain a dispensing permit and meet certain other requirements. (Effective Date: July 1, 2013)

SB313/Ch.225

HB370/Ch. 226

Workers' Compensation — Anne Arundel County Deputy Sheriff

Altering the definition of "public safety employee" to include Anne Arundel County deputy sheriffs for

purposes of establishing eligibility for enhanced workers' compensation benefits for a compensable permanent partial disability of less than a certain number of weeks. (Effective Date: October 1, 2013)

HB1330/Ch. 676

Workers' Compensation — Insurance Coverage — Employer Compliance

Altering the procedures for the Workers' Compensation Commission to enforce compliance with certain workers' compensation insurance coverage requirements; altering the requirement for how certain employers secure compensation for certain covered employees; clarifying the Commission's authority to order employers to secure compensation for certain covered employees; requiring the Commission to issue certain orders directing certain employers to attend certain hearings under certain circumstances; requiring the Commission to issue orders and penalties under certain circumstances; requiring the Commission to set a certain hearing under certain circumstances; establishing certain penalties for employers that fail to secure compensation for their covered employees; providing that a failure to pay a penalty constitutes a default in payment of compensation and requiring that a judgment be entered in a certain manner; providing that a certain penalty is a lien under certain circumstances; authorizing the Uninsured Employers' Fund to bring civil actions to collect certain penalties or assessments under certain circumstances; requiring the Fund to provide certain notices to certain

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persons for failure to pay certain penalties; imposing joint and several liability on certain officers and members for certain violations under certain circumstances; requiring certain licensing units to suspend certain licenses or permits under certain circumstances; making certain provisions of this Act severable; making stylistic and clarifying changes.

(Effective Date: October 1, 2013)

Regulatory Updates

14.09.01 General Administrative

.01, .02, .03, .04, .05, .06, .07, .08, .09, .10, .20, .30, .31

This action amends and recodifies certain provisions of COMAR 14.09.01 to create a thematically organized chapter of regulations concerning general information about the Commission and administrative aspects of Commission practice. The amended and new regulations include amended and expanded definitions, forms, procedures for serving papers, procedures for filing forms and documents, the Commission’s business hours, rules governing interpretation of Commission regulations, the authority and responsibility of the Commissioners, fraud, the registration for and use of the Web Enabled Management System, and other miscellaneous provisions including the requirement that employers post a notice of the right to file a workers’ compensation claim.

(Effective Date: March 3, 2014)

14.09.03 Hearing Procedures

.01—.15

This action adopts new regulations governing the procedures for adjudicating workers’ compensation claims before the Commission. These regulations are derived from the former regulations (COMAR 14.09.01) with substantial modification and amplification. The proposed regulations prescribe the filing and withdrawing of issues before the Commission, the actions resulting in the scheduling of a hearing before the Commission, the procedures for requesting an interpreter or an accommodation, the procedures governing the use, service and enforcement of Commission subpoenas, the procedures for determining the average weekly wage, the obligation to disclose medical records and provide a medical authorization for the release of medical records, the procedures for compelling the production of a

medical authorization, the procedures governing a medical examination when directed by the Commission and when requested by a party, the procedures governing the conduct of hearings, witnesses and the exchange of evidence, the failure to appear for a hearing, the procedures governing requests for emergency hearings and continuances, the procedures governing motions for modification and rehearing, and the use of various prescribed Commission forms.

(Effective Date: March 3, 2014)

14.09.06 Payment of Awards and Assessments and Termination of Benefits

.04

This action amends and recodifies as COMAR 14.09.06 certain provisions of COMAR 14.09.01 (formerly Procedural Regulations) so as to create a chapter of thematically organized regulations concerning payment of awards and assessments and termination of benefits by an employer or insurer. The Commission also proposes new regulations clarifying the termination of temporary total disability and medical benefits.

(Effective Date: March 3, 2014)

14.09.11 Judicial Review Procedures

.01 - .05

This action adopts new regulations governing the procedures prescribed for the filing of a petition for judicial review by a party to a claim, the procedures for obtaining a transcript of the Commission proceedings, the procedures for supplementing the record on appeal, and the procedures for notifying the Commission of the disposition of the case by the Circuit and Appellate Courts. (Effective Date: March 3, 2014)

14.09.01 Regulatory Provisions

.05 and .28

14.09.06 Local Office Requirements

.01, .02, .03, .03, .04 and .05

14.09.12 Responsibilities of Insurers

.01, .02, .03, .04, .05, .06 and .07

This action amends and recodifies as COMAR 14.09.12 certain provisions of 14.09.06 (formerly Local Office Requirements for Insurers) and certain provisions of 14.09.01 (formerly Procedural Regulations) so as to create a chapter of thematically organized regulations concerning the responsibilities of insurers. The amended

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regulations contain rewritten provisions concerning the election of inclusion or exemption from coverage for certain kinds of employees. These provisions were written to comply with regulatory drafting standards. The amended regulations clarify when an insurer shall have an attorney file an entry of appearance.
(Effective Date: March 3, 2014)

- 14.09.02 Governmental Group Self-Insurance .01 - .11**
- 14.09.14 Governmental Group Self-Insurance .01 – .11**
- 14.09.08 Open Meetings .01 - .06**
- 14.09.15 Open Meetings .01 - .06**
- 14.09.03 Guide of Medical and Surgical Fees .01 - .08**
- 14.09.08 Guide of Medical and Surgical Fees .01 - .08**
- 14.09.09 Public Information Act Requests .01 - .16**
- 14.09.16 Public Information Act Requests .01 - .16**
- 14.09.10 Individual Employer Self-Insurer .01 - .12**
- 14.09.13 Individual Employer Self-Insurer .01 - .12**

This action recodifies, without amendment, COMAR 14.09.02 to be COMAR 14.09.14 (Governmental Group Self-Insurance); COMAR 14.09.08 to be COMAR 14.09.15 (Open Meetings); COMAR 14.09.03 to be 14.09.08 (Guide of Medical and Surgical Fees); COMAR 14.09.09 to be COMAR 14.09.16 (Public Information Act Requests); and COMAR 14.09.10 to be COMAR 14.09.13 (Individual Employer Self-Insurer) as part of the Commission's overall restructuring of the regulations.
(Effective Date: March 3, 2014)

**14.09.01 Procedural Regulations
.18, .19, .21C and 21D**

**14.09.10 Settlements and Lump Sum Payments
.01, .02 and .03**

This action amends and recodifies as 14.09.10 the provisions of COMAR 14.09.01 concerning lump sum payments and settlements as part of the Commission's overall restructuring of the regulations. The amended regulations clarify that a copy of the settlement worksheet must be submitted with the settlement, clarify certain requirements concerning contingency language contained in settlement agreements, and specify that foreign documents shall comply with the authentication requirements specified in regulation.
(Effective Date: March 3, 2014)

14.09.01 Procedural Regulations

.06, .06-1 and .08C

14.09.02 Requirements for Filing and Amending Claims

.01 - .07

This action amends and recodifies as COMAR 14.09.02 certain provisions of COMAR 14.09.01 so as to create a chapter of thematically organized regulations concerning the filing and amending of claims. The Commission also proposes new regulations defining the terms applicable to this chapter, clarifying that the disclosure of a social security number by a claimant is voluntary and identifying the limitations on the use of any such number, providing certain procedures for the impleading of certain parties to a claim, and establishing procedures for the authentication and translation of foreign documents required when filing certain claims.
(Effective Date: March 3, 2014)

**14.09.04 Guide for Evaluation of Permanent Impairment
.01 - .02**

**14.09.09 Guide for Evaluation of Permanent Disability
.01 - .04**

This action amends and recodifies as COMAR 14.09.09 the provisions of COMAR 14.09.04 concerning permanent disability as part of the Commission's overall restructuring of the regulations. The proposed amended regulations allow a psychologist or psychiatrist to prepare an evaluation of permanent impairment, establish procedures for raising the issue of permanent disability before the Commission, and establishing procedures for filing written stipulations to an award of permanent disability.
(Effective Date: March 3, 2014)

14.09.01 Procedural Regulations

.23 - .25

14.09.04 Legal Representation and Fees

.01 - .04

This action amends and recodifies as COMAR 14.09.04 certain provisions of COMAR 14.09.01 so as to create a chapter of thematically organized regulations concerning legal representation and attorney fees. The Commission also proposes new regulations clarifying the award of attorney fees for multiple counsel.
(Effective Date: March 3, 2014)

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14.09.05 Uninsured Employers' Fund Claims

.01 - .12

14.09.07 Vocational Rehabilitation Practitioners

.01 - .11

This action amends and recodifies as COMAR 14.09.05 the provisions of COMAR 14.09.07 concerning the Uninsured Employers' Fund as part of the Commission's overall restructuring of the regulations. The proposed amendments clarify certain forms to be filed and certain procedures for seeking payment from the Uninsured Employers' Fund. This action also recodifies without amendment the provisions of COMAR 14.09.05 as COMAR 14.09.07 concerning Vocational Rehabilitation Providers.

(Effective Date: March 3, 2014)

Appellate Opinions

Andrew P. Swedo, Jr. v. W.R. Grace & Co., et al., 211 Md.App. 391 (2013). Labor and Employment Article, § 9-633 requires that a dollar credit rather than a weeks credit methodology should be utilized where an award of permanent partial disability compensation was modified on appeal.

Washington Metropolitan Area Transit Authority v. Robert M. Washington, 210 Md.App. 439 (2013). In determining wage loss in industrial loss of use, profits derived from a business are not to be considered as earnings and cannot be accepted as a measure of loss of earning power unless they are almost entirely the direct result of the claimant's personal management and endeavors.

Felix L. Johnson, Jr., Deceased v. Mayor and City Council of Baltimore, 430 Md. 368 (2013). Statutory Interpretation - Workers' Compensation Benefits - payment of dual pension and workers' compensation benefits to dependents of deceased claimant.

McLaughlin v. Gill Simpson Electric, et al., 206 Md.App. 242 (2012). Withdrawal of the Issues filed in conjunction with the Petition to Reopen constitutes a withdrawal of the petition.



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. Chapter 5 of the Acts of 2011 expanded the membership to include a representative from a self-insured local government entity. 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, labor sectors, and self-insured local government, as well as the general public. The Committee is co-chaired by an appointed State Senator and a House of Delegates member.

2014 Committee Roster

Katherine A. Klausmeier, Senate Chair
Sally Y. Jameson, House Chair
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 Maryland Building and Construction Labor Organization:
Roderick P. Easter

Two Members of the Public:
Debora Fajer-Smith
Michael G. Comeau

Member of the Insurance Industry:
Thomas J. Phelan

Member of a Workers' Compensation Rating Organization:
David Benedict

Member of 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

Self-Insured Local Government Entity
Ronald J. Travers

Workers' Compensation Commission—Ex Officio:
Maureen Quinn

Committee Staff:
Laura H. Atas
Tamela D. Burt
Jennifer A. Ellick

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 this review 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.

2014 Committee Roster

Michael G. Comeau, Chairman	Ricardo Loaiza
Sandra Dorsey	Adrienne M. Ray
Kevin P. Foy, Esq.	Patrick A. Roberson, Esq.
Melinda Hayes	Matthew D. Trollinger, Esq.
Mary C. Larkin	

COMMITTEES

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 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).

2014 Committee Roster

Charles Smolkin, MS, LCPC, CRC, CVE, MSRP
Committee Chair
Susan Budden, MS, CRC, MCRSP
Mary Sevinsky, MS, CRC, CCM, MCRSP
Janet Spry, Ph.D., CRC, LPC, MCRSP
Kathy M. Stone, MS, CDMS, CCM, MCRSP
Carole Stole-Upman, MA, RN, CCM, CRC, CDMS,
CNLCP, WCCM, MCRSP
Cathryn Winslow, RN, WCCM, MCRSP

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 Office of the Attorney General, the Office of the Comptroller and the Maryland Insurance Administration.

The task force enables Maryland agencies to share information, educate and reach out to Maryland employers and investigate possible misclassification of workers. The goal of the task force is to provide for effective and efficient use of state resources to protect Maryland workers and provide a level playing field for all Maryland employers.

In Fiscal Year 2014, the Commission participated in a joint database that was developed for the sharing of information among the Joint Task Force member agencies. The Worker Misclassification Database has improved enforcement by allowing Task Force members to track cases and joint investigations. The database is web based and can be viewed by all member agencies. It became fully operational in fiscal year 2014, allowing Task Force member agencies to share information on possible misclassification of employees as well as other possible violations of the Labor & Employment Article.

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. Recommendations are then made to the full Commission. 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 Medical Fee Guide was fully incorporated into COMAR and was updated to include an annual adjustment factor that will help reimbursement rates stay current.

2014 Committee Roster

Commissioner Jeffrey C. Herwig, Committee Chair
Jerome P. Reichmister, M.D., Physician Adviser, WCC
Timothy Bailey, Committee Secretary, WCC

Payers

Edward J. Bernacki, M.D.
Dennis Carroll, Esq.
Antonio R. Lopez, Esq.
Rudolph Rose, Esq.
Craig J. Ross, M.D.
Bruce Wood, Esq.

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