

What is Workers' Compensation?

Workers' compensation is an insurance program established by State law that all employers having one or more employees, full or part-time, are required to have for the benefit of their employees.

What benefits are provided by this insurance?

To be covered under workers' compensation, an employee must have received an accidental personal injury while working (on the job). The injury must have arisen out of and in the course of employment, in the words of the law. Not all workplace injuries are compensable. If your injury is determined to be covered then the employer or the employer's insurance carrier will provide medical and hospital treatment and partial income replacement benefits until you can return to work or until you reach maximum medical improvement.

Who pays for this?

The cost of workers' compensation insurance itself is borne entirely by the employer. No payroll deductions are taken out of individual employees' paychecks. If your claim is found to be compensable your weekly benefits and all medical bills will be paid directly by employers or their insurers. **Do NOT** send bills to the Workers' Compensation Commission.

What information is the employer required to provide with respect to workers' compensation?

State law requires every employer to post an official notice in a prominent site at the workplace. It's usually put up on an employee bulletin board,

by a time clock, in an employee lunchroom or some similar location where workers will see it. The poster identifies the employer as having obtained workers' compensation insurance and it outlines the responsibilities of both employers and employees. It also provides the employer's full legal name, address, the Employer's Federal Identification Number and the name of the insurance company providing this insurance. This information is needed when filling out a claim form.

When should I report the accident?

You should report any accident to your employer immediately. A delay in reporting may affect your claim.

When and how do I file a claim?

If you believe you have suffered a compensable injury, you may file a claim with the Workers' Compensation Commission by filling out an Employee Claim Form and then mailing it to the Commission. If your employer does not have one of these claim forms the Commission will send you one and all of the necessary information you may need. Forms are provided without charge.

What do I do about a doctor?

Your employer or your employer's insurer will pay for your doctor's visits and treatment if the injury is covered under Workers' Compensation.

What medical treatment will workers' compensation insurance pay for?

All doctor bills, hospital bills, physical therapy, prescriptions and necessary expenses related to the accidental injury are covered by this insurance up to the limits established by the **Official Maryland Workers' Compensation Medical Fee Guide.**

When am I entitled to benefits?

You are entitled to income replacement benefits if you miss more than three (3) days from work. If you miss more than 14 days you will also be paid for the first three days, provided your employer did not pay you for any of these days. When your claim is received by the Commission, a claim number and a **consideration date** are assigned. The consideration date means that we allow your employer or the insurer until that date to raise any objections they may have to your claim.

What if there are objections?

The employer or insurance carrier will probably contact you directly and tell you what the objections are. They must also inform the Commission, stating their objections or issues in writing. If your claim is contested by the employer/insurer, it will be scheduled for a hearing before a Commissioner. You will be notified of the hearing date.

How much are the income replacement benefits?

These benefits are called **Temporary Total Disability Payments** and you should receive two thirds of your average weekly wage, but not more than the State's average weekly wage for the year in which the accident occurred.

How long will I receive these benefits?

You will receive temporary total disability payments so long as you are unable to work because of the accidental injury or until you reach maximum medical improvement.

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What if my injury prevents me from returning to my job?

If you are not capable of returning to your job or some other comparable job for which you are qualified, you may be eligible for vocational rehabilitation and training. Contact the Workers' Compensation Commission for more information.

What kind of benefits will I receive if I have a permanent disability?

You will receive weekly benefits for a specified period of time based on the type and extent of your permanent disability. Benefits for workers who have been totally and permanently disabled may continue indefinitely. Medical evaluations are usually required to establish the nature and extent of any permanent disability.

What happens after I file a claim?

If you do not receive any benefits from your employer or their insurer, or are not receiving the benefits to which you believe you are entitled, you may request a hearing before the Workers' Compensation Commission. Your case will be decided by a Commissioner who, like a judge, listens to both sides of the case and determines what benefits, if any, you should receive. The Commissioner's decision will be based on the law and facts involved in your particular case. Any party disagreeing with a decision of the Commission may file an appeal with the Circuit Court of Maryland. Additional information is located on the benefits page.

Do I have to have a lawyer?

You may have an attorney of your choice to represent you, or you may represent yourself. The Commission does not represent you, nor can any Commissioner be your attorney.

Who pays the attorney?

Do not pay money to anyone to assist you with your claim. If you hire a lawyer the Commission will fix the attorney's fees. If an award is made to you, the fee will be deducted from your awards and paid separately by the employer or insurance company to the attorney.

What if I want to hire a lawyer but don't know one?

If you are a resident of Maryland, contact the Lawyer Referral and Information Service at (410) 539-3112 in Baltimore, or for local information, the MD State Bar Association referral page at www.msba.org.

This brochure is intended only as a general guide on Maryland Workers' Compensation Law.

All necessary forms are available online and supplied by the Workers' Compensation Commission at no charge. Please contact the Commission.

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QUESTIONS AND ANSWERS ABOUT

MARYLAND WORKERS' COMPENSATION LAW



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