

## **14.09.01 [Procedural Regulations] *General Administrative***

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) *“Affidavit” means a written statement the contents of which are affirmed under the penalties of perjury to be true.*

(2) *“Certified mail” means mail deposited with the United States Postal Service, postage prepaid and return receipt requested.*

(3) *“Claimant” means a person filing a workers’ compensation claim and includes:*

(a) *A covered employee;*

(b) *A dependent of a deceased covered employee; or*

(c) *An individual authorized to act on behalf of a dependent of a deceased covered employee.*

[(1)] (4)—[(2)] (5) (text unchanged)

(6) *“Final award” means the award of compensation determined by the Commission after exhaustion of all applicable appeals, regardless of whether the award is increased or decreased as a result of any appeal.*

[(3)] (7) (text unchanged)

(8) *“Healthcare provider delegate” means administrative or support staff designated by a health care provider to have access to basic claim information for the purpose of obtaining settlement, claim and hearing status information.*

(9) *“Individual” means a human being.*

(10) *“Insurer” means:*

(a) *A stock corporation or mutual association that is authorized under the Insurance Article, Annotated Code of Maryland, to provide workers’ compensation insurance in the State;*

(b) *The Chesapeake Employers’ Insurance Company authorized under Insurance Article, Title 24, Subtitle 3, Annotated Code of Maryland;*

(c) *A governmental self-insurance group that meets the requirements of Labor and Employment Article, §9-404, Annotated Code of Maryland;*

(d) *A self-insurance group of private employers that meets the requirements of Insurance Article, §§25-301—25-308, Annotated Code of Maryland; or*

*(e) An individual employer that self-insures in accordance with Labor and Employment Article, §9-405, Annotated Code of Maryland.*

*(11) “Insurer delegate” means administrative or support staff, designated by an insurer, to have access to all claim documents in all claims in which the insurer is a party for the purpose of filing documents and managing claims.*

*[(4)] (12) (text unchanged)*

*(13) “Person” means:*

*(a) An individual;*

*(b) A general or limited partnership;*

*(c) A joint stock company;*

*(d) An unincorporated association or society;*

*(e) A municipal or other corporation;*

*(f) An incorporated association;*

*(g) A limited liability partnership;*

*(h) A limited liability company;*

*(i) The State, its agencies or political subdivisions; or*

*(j) A governmental entity.*

*(14) “Proxy” means administrative or support staff, designated by an attorney, to have access to all claim documents in all claims in which the attorney has entered the attorney’s appearance for the purpose of filing documents and managing claims.*

*(15) “Role” means the functionality and type of account for which a user is authorized in the WFMS system and includes attorney, attorney proxy, employer, insurer, healthcare provider, insurer delegate and healthcare provider delegate.*

*(16) “State average weekly wage” means the State average weekly wage in effect on the date of the accident or date of disablement.*

*(17) “Subpoena” means a written order directed to a person and requiring attendance at a particular time and place to take the action specified.*

*(18) “Subsequent Injury Fund” or “SIF” means the statutorily created entity, funded by assessments on workers’ compensation awards and settlements, that may be a party to a claim and which pays benefits attributable to a compensable injury to previously injured body parts.*

[(5)] (19) (text unchanged)

(20) *“Uninsured Employers’ Fund” or “UEF” means the statutorily created entity, funded by assessments on workers’ compensation awards and settlements, that may be a party to a claim and which pays workers compensation awards made against an uninsured employer.*

(21) *“Web-Enabled File Management System” or “WFMS” means the Commission’s subscriber-based web-enabled electronic file management system designed to facilitate the filing and adjudication of workers’ compensation claims.*

.02 *Commission Forms.*

[Forms prepared by the Commission under Labor and Employment Article, §9-314, Annotated Code of Maryland, are mandatory and shall be used for filing claims, notices, requests, or other papers required by the Labor and Employment Article, Title 9, or these regulations.]

*A. Forms prepared by the Commission, and made available on the Commission’s website or through WFMS, are mandatory and shall be used for filing claims, notices, requests, motions, and other papers as required by law, or by these regulations.*

*B. Where the Commission has not created a form but has directed that the party or attorney prepare its own petition or motion, the party or attorney shall draft and file the required papers.*

[.04] .03 *Service of Papers.*

A. *Service by Commission.*

(1) Service by the Commission of its notices (except subpoenas) is sufficient if the notices are mailed by ordinary mail to the last known address of each unrepresented party and the attorney of record of each represented party.

(2) Subpoenas shall be served by personal delivery to the person named in the subpoena or to an agent authorized by appointment or by law to receive service for the person named.

(3) Parties and attorneys of record shall notify the Commission promptly of a change of address.

B. *Service by Parties.*

(1) Except as otherwise provided in these regulations, every paper filed with the Commission by a party shall be served promptly on all other parties.

(2) If a party is represented by an attorney, service shall be made upon the attorney unless service on the party is directed by the Commission.

(3) Service may be made by delivery of a copy or by mailing it to the address most recently stated in a paper filed by the party or attorney, or if not stated, to the last known address. Delivery of a copy means handing to the party or attorney, or leaving it at that person’s office with an individual in charge, or, if there is no one in charge, leaving it in a conspicuous place in the office, or, if the office is closed or the person has no

office, leaving it at the person's usual place of residence with an individual of suitable age and discretion residing there. Service by mail is complete upon mailing.

(4) Each paper filed that is required to be served shall be accompanied by a certificate of service, signed by the party or the party's attorney, showing the date and manner of making service on each of the other parties.]

*(1) The Commission shall serve notice of its orders and decisions, by:*

*(a) Electronic means, if the party's attorney of record consents or, if the party is unrepresented, the party consents; or*

*(b) First class mail to the last known address of each party's attorney of record or, if the party is unrepresented, to the unrepresented party.*

*(2) Parties and attorneys of record shall notify the Commission promptly of a change of address.*

*(3) For all other notices, where service by electronic means has not been authorized by statute or regulation, the Commission shall serve notice by first class mail.*

*B. Service by Parties.*

*(1) Except as otherwise provided in these regulations, a copy of every paper, form, or document filed with the Commission by a party shall be served promptly on all other parties.*

*(2) If a party is represented by an attorney, service shall be made upon the attorney unless service on the party is directed by the Commission.*

*(3) Service may be made by:*

*(a) Handing the papers to the party or attorney;*

*(b) Leaving the papers at that person's office with an individual in charge, or, if there is no one in charge, leaving the papers in a conspicuous place in the office, or, if the office is closed or the person has no office, leaving the papers at the person's usual place of residence with an individual of suitable age and discretion residing there; or*

*(c) Mailing the papers to the address most recently stated in a paper filed by the party or attorney, or if not stated, to the last known address.*

*(4) Service by mail is complete upon mailing.*

*(5) Each paper filed that is required to be served shall be accompanied by a certificate of service, signed by the party or the party's attorney, showing the date and manner of making service on each of the other parties.*

*.04 Filing Forms and Documents with the Commission.*

*A. Forms and documents may be filed with the Commission by one of the following methods:*

*(1) Electronically through the WFMS;*

*(2) In person; or*

*(3) By mail addressed to the Commission's principal office in Baltimore City.*

*B. All documents filed with the Commission after 4:30 p.m., electronically or otherwise, are considered to be received by the Commission on the next business day.*

*.05 Hours of Business.*

*Except for legal holidays, the hours of business of the Commission are Monday through Friday, 8 a.m. to 4:30 p.m.*

*.07 Powers and Duties of Commissioners.*

*A. A Commissioner shall:*

*(1) Conduct a full, fair, and impartial hearing;*

*(2) Take action to avoid unnecessary delay in the disposition of the proceedings; and*

*(3) Maintain order.*

*B. A Commissioner has the power to regulate the course of the hearing and the conduct of the parties and authorized representatives, including but not limited to, the power to:*

*(1) Administer oaths and affirmations;*

*(2) Issue subpoenas for witnesses and the production of evidence;*

*(3) Rule upon offers of proof and receive relevant and material evidence;*

*(4) Consider and rule upon motions and requests;*

*(5) Examine witnesses and call witnesses as necessary to ensure a full and complete record;*

*(6) Limit repetitious testimony and reasonably limit the time for presentations;*

*(7) Grant a continuance of a hearing;*

*(8) Issue orders as are necessary to secure procedural simplicity and administrative fairness and to eliminate unjustifiable expense and delay;*

*(9) Conduct the hearing in a manner suited to ascertain the facts and safeguard the rights of the parties to the hearing; and*

*(10) Impose appropriate sanctions for the failure to abide by this chapter or any lawful order of the Commissioner.*

*[.30] .08 [Fraudulent Representation] Referral for Fraud.*

*[A. Requests for referral to the Insurance Fraud Division of the Maryland Insurance Administration, pursuant to Labor and Employment Article, §9-310.2(a), Annotated Code of Maryland, may be made by any party at any time.*

*B. Requests under §A of this regulation shall be made on a form provided by the Commission.]*

*A. Pursuant to Labor and Employment Article, §9-310.2(a), Annotated Code of Maryland, any party may request that the Commission refer the case to the Insurance Fraud Division of the Maryland Insurance Administration for investigation.*

*B. A party requesting a referral to the Insurance Fraud Division shall complete the Fraud Referral form provided by the Commission.*

*.09 Web-Enabled File Management System.*

*A. The WFMS is a subscriber-based web-enabled electronic file management system designed to facilitate the filing and adjudication of workers' compensation claims.*

*B. An attorney, employer, insurer, or healthcare provider may register for a no-cost subscription to the WFMS by:*

*(1) Completing an online application available at the Commission's website; and*

*(2) Satisfying the requirements applicable to the type of account (role).*

*C. After filing the online application, an attorney seeking to register for a subscription shall appear before a Commission official to validate his or her identify by:*

*(1) Scheduling an appointment with a court reporter at a remote hearing site; or*

*(2) Appearing before the public service unit at the Commission's principal office.*

*D. An attorney shall present a valid government-issued photo identification to validate his or her identity.*

*E. Each attorney seeking to use the WFMS shall register for and maintain his or her own individual subscription.*

*F. No law firm subscriptions are permitted.*

*G. Conditions of use.*

*(1) A subscriber shall:*

*(a) Provide the Commission with current contact information and update this information as it changes; and*

*(b) Abide by the terms of the service agreement.*

*(2) A WFMS subscription may be suspended or terminated if the subscriber:*

*(a) Fails to provide the Commission with a current email address and contact information;*

*(b) Fails to protect the subscriber's user name and password;*

*(c) Uses the system in a manner inconsistent with its stated purpose;*

*(d) Permits unauthorized use of the subscriber's account; or*

*(e) Violates the terms of the service agreement.*

#### *H. Proxies.*

*(1) An attorney subscriber may authorize administrative or support staff to function as the attorney's proxy.*

*(2) The proxy shall complete an online proxy application.*

*(3) The attorney subscriber may validate the proxy's registration electronically by selecting and acknowledging the proxy.*

*(4) An attorney may not designate another attorney as a proxy.*

*(5) Once validated, the proxy may have access to all claim documents in all claims in which the attorney has entered the attorney's appearance.*

*(6) The attorney subscriber is responsible for all actions and conduct of the attorney's designated proxies.*

*(7) The attorney proxy shall abide by the terms and conditions of the subscription.*

*(8) An attorney proxy may not use any other subscriber's account to access the WFMS system.*

#### *I. Insurer Delegates.*

*(1) An insurer subscriber may authorize administrative or support staff to function as the insurer's delegate.*

*(2) The insurer delegate shall complete the online insurer delegate application.*

*(3) The insurer subscriber may validate the insurer delegate's registration electronically by selecting and acknowledging the delegate.*

*(4) Once validated, the insurer delegate may have access to all claim documents, excluding protected and confidential documents, in all claims in which the insurer is a party.*

- (5) The insurer subscriber is responsible for all actions and conduct of its delegates.*
- (6) If an insurer subscriber's access is terminated, the access afforded to its delegates will also be terminated.*
- (7) An insurer delegate shall use his or her individual subscription to access the WFMS system.*
- (8) An insurer delegate may not use any other subscriber's account to access the WFMS system.*
- (9) An insurer delegate shall abide by the terms and conditions of the subscription.*
- (10) An insurer subscriber may not designate another subscriber as the insurer's delegate.*

*J. Healthcare Provider Delegates.*

- (1) A healthcare provider subscriber may authorize administrative or support staff as the healthcare provider's delegate*
- (2) The healthcare provider delegate shall complete the online healthcare provider delegate application.*
- (3) The healthcare provider subscriber may validate the healthcare provider delegate's registration electronically by selecting and acknowledging the delegate.*
- (4) Once validated, the healthcare provider delegate may have access to claim documents, excluding protected and confidential documents, for the purpose of obtaining settlement, claim and hearing status information.*
- (5) The healthcare provider subscriber is responsible for all actions and conduct of its delegates.*
- (6) If a healthcare provider subscriber's access is terminated, the access afforded to its delegates will also be terminated.*
- (7) A healthcare provider delegate shall use his or her individual subscription to access the WFMS system.*
- (8) A healthcare provider delegate may not use any other subscriber's account to access the WFMS system.*
- (9) A healthcare provider delegate shall abide by the terms and conditions of the subscription.*
- (10) An healthcare provider subscriber may not designate another subscriber as the healthcare provider delegate.*