

FAQ's FOR EMPLOYERS ABOUT MD WORKERS' COMPENSATION LAW

Who is required to carry Workers' Compensation Insurance?

With few exceptions, every employer in the State of Maryland with one or more employees is required by law to provide workers' compensation coverage for their employees.

How does an employer comply with the workers' compensation law?

Employers in the State of Maryland are required to obtain workers' compensation insurance from any insurance company licensed to write workers' compensation insurance in the State of MD, including the Chesapeake Employers' Insurance Company, Maryland's insurer of guaranteed market.

Large Employers (net worth of \$10 million or greater) may also apply to become a self-insured employer, which requires prior approval of the Workers' Compensation Commission.

Employers failing to secure workers' compensation insurance as required by law shall be subject to a fine of not more than \$10,000. If the employer is a corporation, the officers of the corporation having the responsibility for the general management of the corporation in the State shall be personally liable for such fine.

The entire cost of workers' compensation insurance must be borne by the employer. Any employer, who deducts any portion of this premium from the wages of his /her employee entitled to the benefits under this Law, shall be guilty of a misdemeanor.

Who is responsible for providing medical care?

The employer and insurer are responsible for the payment of medical care and treatment of the injured employee. All medical bills must be forwarded to your insurance carrier for payment.

Are accident reports required by law?

If an accident occurs and results in an injury to an employee and a disability of the employee for a period of more than 3 days, it shall be the responsibility of the employer to report this accident to the Workers' Compensation Commission on a "First Report of Injury" form within 10 days after notice of such accident, whether oral or written. Copies of this report must also be sent to your insurance carrier. The First Report of Injury can be filled out and submitted online at: https://www.wcc.state.md.us/WFMS/Med_WebForms.html

The form is also available online at https://www.wcc.state.md.us/Adjud_Claims/Forms.html and is available free of cost from the Commission and/or your insurance carrier. ***This is not an employee claim for compensation.***

How does an employee file a claim?

An employee has the responsibility of filing the Employee Claim Form with the Workers' Compensation Commission. This form may be found on our website at https://www.wcc.state.md.us/WFMS/C1_WebForms.html

An employee may also complete a paper Claim Form and mail it to the Commission. Employers shall have the claim form available for its employees at all times; however, if the employer does

not have one of these claim forms, please call the Commission or visit our website and request a paper claim form. More information may be found here:
http://www.wcc.state.md.us/Gen_Info/Claim_Instr.html

Please Note that employees may not print the electronic claim form and use it as a paper claim form.

Paper forms are provided by the Commission without charge.

How is the average weekly wage determined?

The average weekly wage of the employee is determined from gross wages, including overtime, and will be based on the information in the Commission file prior to a hearing. The average weekly wage is based on: 1) the average weekly wage earned by the employee during the 14 weeks prior to the accident; or 2) those weeks the employee actually worked during the period. If there is a dispute as to the average weekly wage, it may be resolved either by the submission of a statement of the employee's weekly pay for the weeks prior to the accident OR by a hearing before the Commission. Vacation wages paid shall be included in computing average weekly wage.

Are work permits required?

With a few exceptions, every person hired under the age of 18 MUST have a work permit. If an employer fails to obtain a work permit and the minor employee is injured or killed in the course of employment, all compensation and death benefits provided under the Workers' Compensation Laws may be doubled by the Commission. The employer is solely liable for the increased amount of compensation since an employer is not covered under any workers' compensation policy for these additional benefits.

Notices

All posters or notices prepared and mailed or published online by the Workers' Compensation Commission, that give instruction or information about workers' compensation, shall be posted in a conspicuous place at the work site.

Hearing requests

Each request for hearing shall be filed with the Commission in writing and shall state clearly the issues to be raised at the hearing. All hearing requests must be in compliance with the Commission's "Rules of Procedure." On the day of the hearing, all necessary papers, medical reports, etc. must be available.

Waiver

Neither an employer nor employee can waive provisions of the Workers' Compensation Law.

Do I need a lawyer?

Only Employers who are individuals may represent themselves; however, corporate entities, including LLC's, may NOT represent themselves, representation must be through an attorney.

Insurance rates

Employers having questions on insurance or premiums should contact the:

Maryland Insurance Administration
200 St. Paul Place, Suite 2700
Baltimore, MD 21202
(410) 468-2000
(800) 492-6116 Toll free in Maryland <http://www.insurance.maryland.gov>

How do I find the forms needed for a claim?

All necessary forms are supplied by the Workers' Compensation Commission at no charge. Most forms are available on the Commission's website at: https://www.wcc.state.md.us/Adjud_Claims/Forms.html

You may also write to:
State of Maryland
Workers' Compensation Commission
10 East Baltimore Street
Baltimore, MD 21202-1641

(410) 864-5100
(800) 492-0479 Toll free Outside Metro Baltimore 711 or
(800) 735-2258 (Maryland Relay - Hearing Impaired)

Email: info@wcc.state.md.us

Visit our web page at: <https://www.wcc.state.md.us>