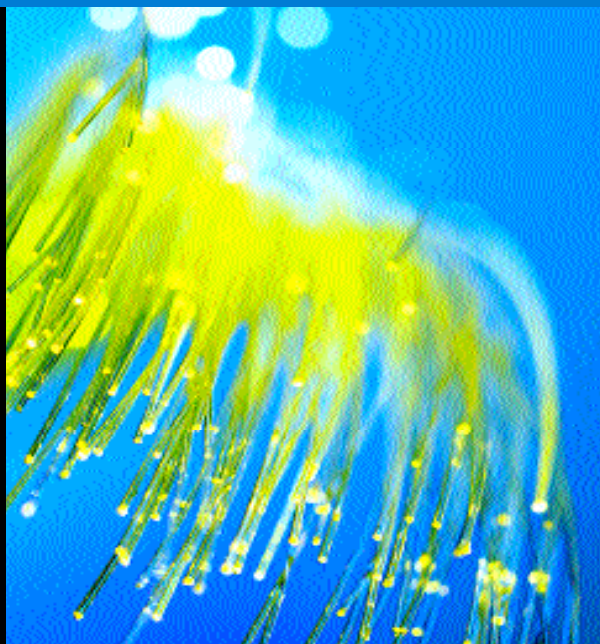
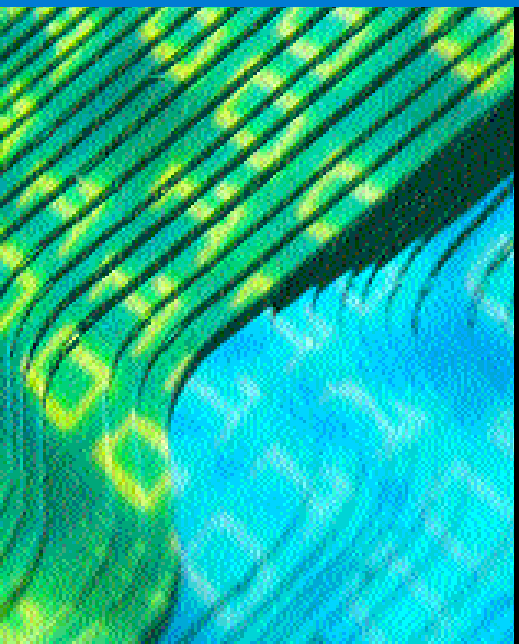


MARYLAND WORKERS' COMPENSATION COMMISSION

**Annual Report
Fiscal Year 2005**



Robert L. Ehrlich, Jr.
Governor

Michael S. Steele
Lt. Governor

Thomas Patrick O'Reilly
Chairman

Mary K. Ahearn
Executive Director



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 worker and their employers by providing an efficient and effective 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.

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Executive GREETING

It is with mutual pride and pleasure that we present the Workers' Compensation Commission's Annual Report for fiscal year 2005. Thanks to the tireless efforts of our staff and their cooperative relationships with the workers' compensation community at large, this year has been one of remarkable strides.



With the enhancements made to the daily docketing program, upgraded scanning equipment and software, and marked improvements to our automated telephone system, we now employ a fully integrated claims processing system that facilitates web-based filing and retrieval of Commission documents 24 hours a day - 7 days a week. This highly efficient online service has already garnered national accolades and with further system expansion planned for fiscal year 2006, we anticipate the inclusion of the entire workers' compensation community as well as

the ability to electronically file workers' compensation claims online. The Commission's supplement to the daily docketing system has resulted in an impressive 25% decrease in requests for emergency hearings. Our proactive efforts to improve efficiency and streamline processing have significantly reduced overall administrative costs while continuing to provide necessary services to the state's injured workers.

This Report contains data and overviews pertaining to various Commission divisions, statistical data on workplace incidents, claims, insurance industry premiums and losses, revenue and operating expenditures, as well as legislative, regulatory, and case law changes.

This past year has been one of challenges, enlightenment, and progress. We have welcomed those challenges and, through the diligence and creativity of our dedicated staff of professionals, have consistently met and often exceeded expectations. Sufficient resources are paramount in our effort to maintain the same high level of performance in the coming years.

On behalf of our valued employees, and in partnership with the entire workers' compensation community, it is our fervent hope that together we can continue to serve the citizens of the state of Maryland with the compassion, vitality, and professionalism they have come to expect, and so deserve.

Sincerely,

Thomas Patrick O'Reilly
Chairman

Mary K. Ahearn
Executive Director



Biographies

Executive BIOGRAPHIES



Thomas Patrick
O'Reilly

Thomas Patrick O'Reilly was appointed to the position of Chairman of the Workers' Compensation Commission by former Governor Parris N. Glendening in 1998. In 1994, Chairman O'Reilly was appointed to serve as a Workers' Compensation Commissioner by then Governor, William Donald Schaefer. Having earned his Bachelor of Science degree in Electrical Engineering from the University of Maryland, and his J.D. from the University of Maryland School of Law, Chairman O'Reilly worked for the General Electric Corporation as

Chairman

an engineer, and later became a patent attorney. He established a general law practice in the Riverdale/Greenbelt area of Prince George's County in the early 70's, and was elected to the Maryland State Senate in 1974 where he served five consecutive terms. During his senatorial tenure, Chairman O'Reilly held numerous offices, including Vice Chairman of the Judicial Proceedings Committee, Deputy Majority Leader and Chairman of the Senate Finance Committee.



Mary K. Ahearn

Mary Ahearn was appointed Executive Director of Administration for the Workers' Compensation Commission in 2003, and has been a member since 1999. Ms. Ahearn graduated summa cum laude from the College of Notre Dame having a Bachelor of Arts degree in Business with a dual emphasis in Management and Human Resource Management. She sits on the Commission's web development team, is Chair of the Administration and Procedures Committee and President-Elect of the Southern Association of Workers' Compensation Administrators. She has completed

Executive Director

the course of study prescribed by the International Workers' Compensation College, and sits on the Information Resources and Performance Measures Committee of the International Association of Industrial Accident Boards and Commissions. She is also a member of Kappa Gamma Pi and Delta Mu Delta, national graduate honor societies. In addition to her six years of experience with the Commission, Ms. Ahearn has garnered over ten years of management and administrative experience in both the public and private sectors.

Commissioner B I O G R A P H I E S

Sheldon H. Press was appointed a member of the Maryland Workers' Compensation Commission in May 1994 by then Governor, William Donald Schaefer. He attended Baltimore City College, and earned a Bachelor of Arts degree in Government, History and Economics from the University of Maryland, as well as his law degree from the University of Baltimore School of Law. Commissioner Press served in the United States Air Force Reserve and achieved the rank of First Lieu-

tenant. He was engaged in the private practice of law until 1974, concentrating in workers' compensation, negligence, criminal law and domestic relations. Later that year, he joined the Baltimore City Law Department as Chief Solicitor of the Workers' Compensation-Pension Section and became president of the Maryland Self-Insurer's Association. From 1989 until 1994, he was a member of the Board of Contract Appeals for the State of Maryland.



Sheldon H. Press

A. Frank Carven, III was appointed a member of the Maryland Workers' Compensation Commission in April 2004 by Presiding Governor, Robert L. Ehrlich, Jr. He graduated from the University of Delaware and the University of Baltimore School of Law. Commissioner Carven began his legal career in 1979 as an Assistant State's Attorney for Harford County. In 1987, he was named a legal advisor to Governor William Donald Schaefer. In 1989, Mr. Carven was appointed Counsel and Chief of Staff to Lieutenant Governor Melvin A. Steinberg. In 1995 he became an Assistant Attorney General in the office of J. Joseph

Curran, Jr., Attorney General for the State of Maryland representing the Maryland Department of the Environment. He entered the private practice of law in 1996 as a member of the firm of Brown, Brown & Brown in Bel Air, Maryland specializing in criminal and civil litigation, administrative and regulatory law, governmental relations and environmental law. In 1998, County executive James M. Harkins appointed Commissioner Carven County Attorney for the Harford County Government. He remained in that position until being appointed to the Workers' Compensation Commission.



A. Frank Carven, III

Richard LaFata was appointed a member of the Maryland Workers' Compensation Commission in March 1994 by then Governor, William Donald Schaefer. He graduated magna cum laude from the University of Maryland, Baltimore County, received his J.D. from the University of Baltimore School of Law in 1980, and was admitted to the Bar that same

year. He entered into private practice and specialized in workers' compensation law. A member of the adjunct faculty at the University of Baltimore School of Law for more than twenty years, Commissioner LaFata teaches the course in workers' compensation law. He is also a frequent lecturer to professional associations and visiting international groups.



Richard LaFata

Commissioner BIOGRAPHIES



Cynthia S. Miraglia

Cynthia S. Miraglia was appointed a member of the Maryland Workers' Compensation Commission in January 1999 by former Governor, Parris N. Glendening. In 1983, she graduated cum laude from the University of Baltimore School of Law with a J.D. 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 serves on the Board of the Maryland Chapter of the National Association of Women Law Judges.



Maureen Quinn

Maureen Quinn was appointed a member of the Maryland Workers' Compensation Commission in 2002 by former Governor, Parris N. Glendening. In 1987, she graduated from Temple University School of Law with a J.D. Commissioner Quinn received her bachelor's degree in 1982 from the American University, where she was a recipi-

ent of the Stafford Cassell Award for Governmental Leadership. She engaged in the private practice of law as a trial attorney from 1987 until 2002, and established her own law firm in 1995 where her primary focus was on general civil litigation. Commissioner Quinn is an adjunct professor for UMUC, teaching Business Law.



Stephen Rosenbaum

Stephen Rosenbaum was appointed a member of the Maryland Workers' Compensation Commission in 1983 by then Governor, Harry R. Hughes. He graduated from Syracuse University in 1972 with a Bachelor of Arts degree, and from the University of Baltimore School of Law in 1975 with a J.D. He served as Law Clerk to the Honorable Richard P. Gilbert,

Chief Judge, Court of Special Appeals of Maryland from 1976 until 1977, and as Assistant Attorney General of Maryland from 1977 until 1983. He is a member of the Bar of the Court of Appeals of Maryland, U.S. District Court for the District of Maryland, United States Court of Appeals for the Fourth Circuit, and the Supreme Court of the United States.

Commissioner B I O G R A P H I E S

Lauren A. Sfekas was appointed a member of the Maryland Workers' Compensation Commission in 1996 by former Governor, Parris N. Glendening. She is a 1978 cum laude graduate of Mount Saint Mary's College. In 1981, she graduated cum laude from the University of

Baltimore School of Law, where she served as editor of the Law Review. Commissioner Sfekas spent fourteen years in private practice concentrating on workers' compensation law. She has published and lectured extensively on workers' compensation matters.



Lauren A. Sfekas

Lawrence M. Vincent was appointed a member of the Maryland Workers' Compensation Commission in 1996 by former Governor, Parris N. Glendening. He is a 1965 graduate of Loyola College with a Bachelor of Art degree and a 1976 graduate of the University of Baltimore School of Law with a J.D. Commissioner Vincent was employed with the Metal Products Division of Koppers

Co., Inc. from 1965 until 1979 serving in various capacities including Manager of Employment and Employee Training and Development. From 1979 until 1996, he was engaged in the private practice of law. Commissioner Vincent is a Past President of the Maryland Workers' Compensation Educational Association and a member of the Maryland State Bar Association.



Lawrence M. Vincent

John R. Webster, Jr. was appointed a member of the Maryland Workers' Compensation Commission in December 1997 by former Governor, Parris N. Glendening. He is a graduate of the University of Maryland and received his law degree at George Washington University where he graduated with honors. Commissioner Webster spent twenty-four years engaged in private practice

with the firm of Miller and Webster, P.A. concentrating on civil and criminal law, personal injuries, medical malpractice, product liability and workers' compensation. Commissioner Webster is a member of the Prince George's County Bar Association, Maryland State Bar Association, American Bar Association and American Trial Lawyers Association.



John R. Webster, Jr.

Assistant Attorney General B I O G R A P H Y



Kimberly Smith Ward

Kimberly Smith Ward, Assistant Attorney General has been counsel for the Workers' Compensation Commission since November 2001. She is a graduate of the University of Maryland with a Bachelor of Arts degree in History and a law degree from Wake Forest University School of Law. She served as law clerk to the Honorable Dale R. Cathell, Associate Judge, Court of Special Appeals of Maryland and the Honorable Robert M. Bell, Chief Judge, Court of Appeals of Maryland. Ms. Ward has been employed with the Office of the Attorney General of the State of Maryland since 1993.

She has worked in the Opinions and Advice, Criminal Appeals, and Civil Litigation Divisions. She also served as Counsel to the Sheriffs of Maryland, the Governor's Office on Services and Volunteerism, and the Open Meeting Compliance Board.

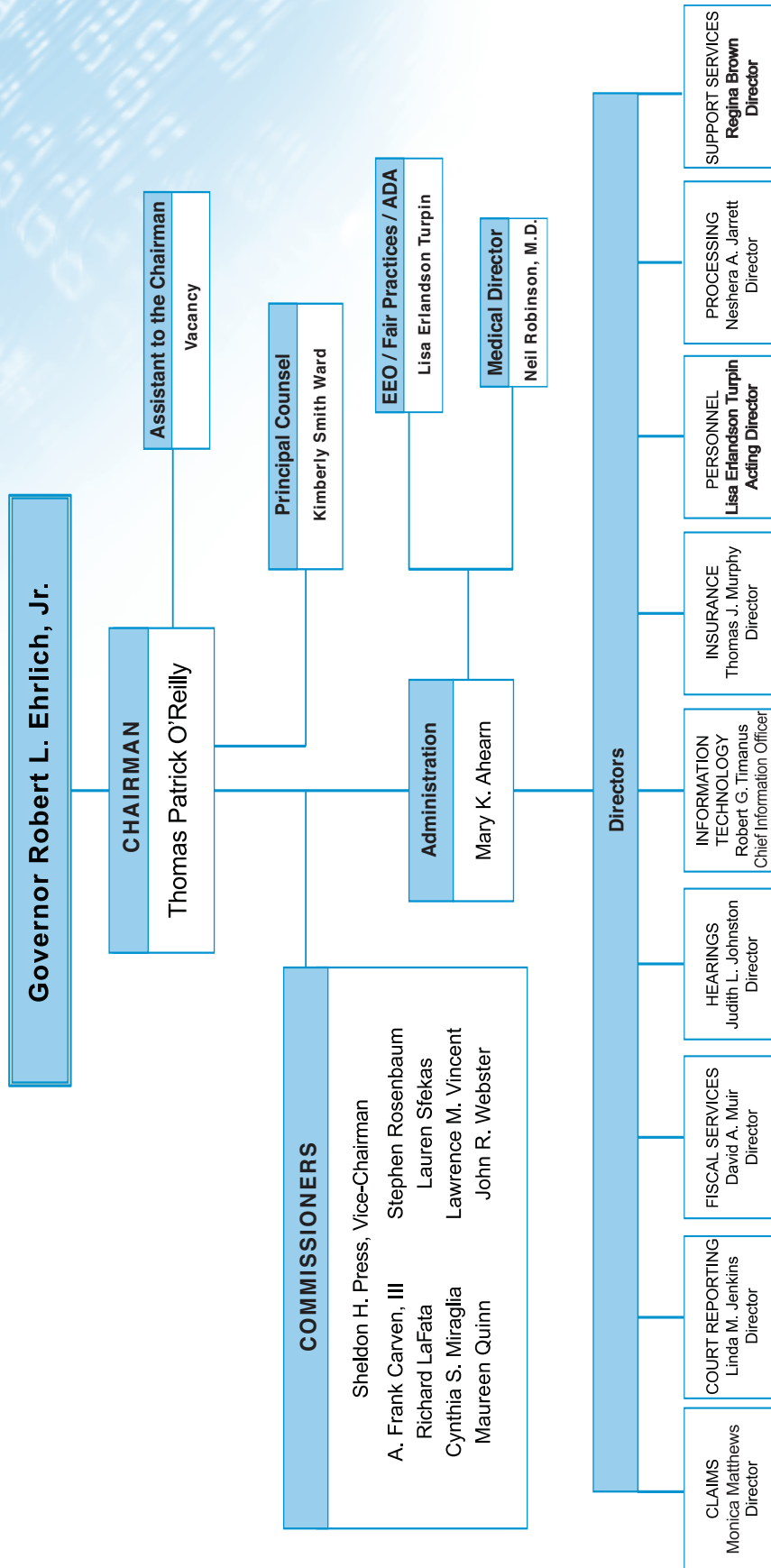
The Assistant Attorney General provides the Workers' Compensation Commission with general legal counsel on issues pertaining to personnel, contracts and procurement, litigation, legislation and regulation.





Organizational Chart

ORGANIZATIONAL CHART



June 2005

WORKERS' COMPENSATION COMMISSION



Staff

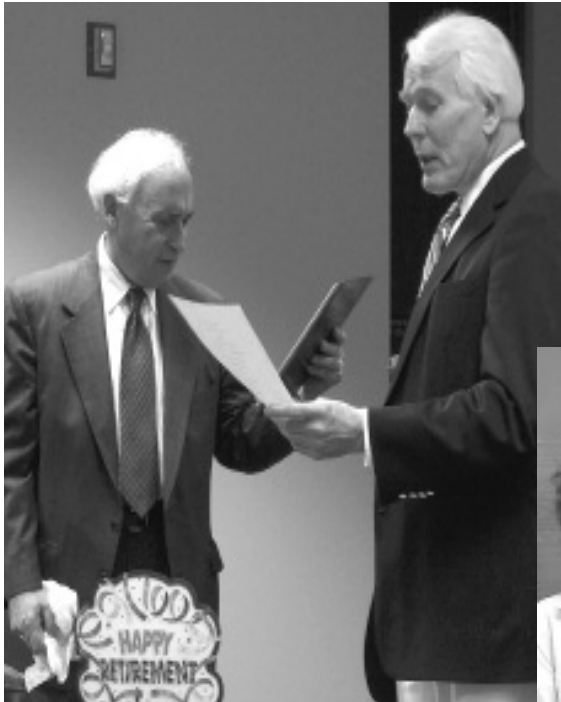
STAFF



*MWCEA Conference
 Speaker: Commissioner Stephen Rosenbaum
 Sitting: Commissioners Cynthia S. Miraglia,
 John Webster, Chairman Thomas Patrick O'Reilly,
 Lawrence M. Vincent (left to right)*



Delise Andrews of Processing Division



*Retirement
 Commissioner Sheldon Press
 receiving plaque from Chairman
 Thomas Patrick O'Reilly.*



*Public Service & Security
 Standing: Jill Maszon, Tonia Carter, Kent Gooch, Cherry
 Butcher (left to right). Sitting: Leona Lancaster*

STAFF



*Doris Coleman
working in mail
room.*



*IT Training
Keven Lehmann, Doreen Grap,
Lin Mitchell, Monica Matthews
& Linas Surdokas (left to right)*



*Retirement
Marie Hawkins,
Ms. Hawkins' grandson and
Mary Ahearn (left to right)*



Chairman Thomas Patrick O'Reilly, National Council on Compensation Insurance, Inc., State Advisory Forum



*IT Training
Keven Lehmann
(leading training)*



*Doris Coleman & Barbara Forrest working in mailroom
(left to right)*



Claims

CLAIMS

Filed claims in 2005 decreased by 4.4 percent, virtually offsetting the prior year's increase of 4.3 percent. The metro jurisdictions showed the majority of the claim drop. Claims from Baltimore City and County accounted for one-half of the drop in filings. Issues filed involving the compensability of accidental injuries increased 3.0 percent. The combination of claim filing decreases and compensability issue filing increases continues to support the conclusion of the Harris Study. If the Harris decision were to have a material impact on the cost of Workers' Compensation in Maryland, one might have expected to see a decrease in the rate of compensability issue filings.

Based on 11 months of award data, the average permanent partial (PP) award increased to \$16,133, which is 3.2 percent higher than

last year, whereas the average weekly wage increased 4.0 percent. Compromise settlements are growing at a much faster rate than PP awards. This year's increase to \$16,670, is 12.9 percent higher than the prior year. Last year the average PP award was higher than the average compromise settlement. In 2005, compromise settlements were 3.3 percent higher than PP awards.

Maryland is ranked the 12th lowest state (out of 51 including DC) nationally in premium rates. NCCI reported that paid losses since 2000 have grown at a slower rate of increase in Maryland than Pennsylvania and Virginia as well as the national average. Similarly, premium growth has been slower than in our neighboring states but slightly higher than the national average.

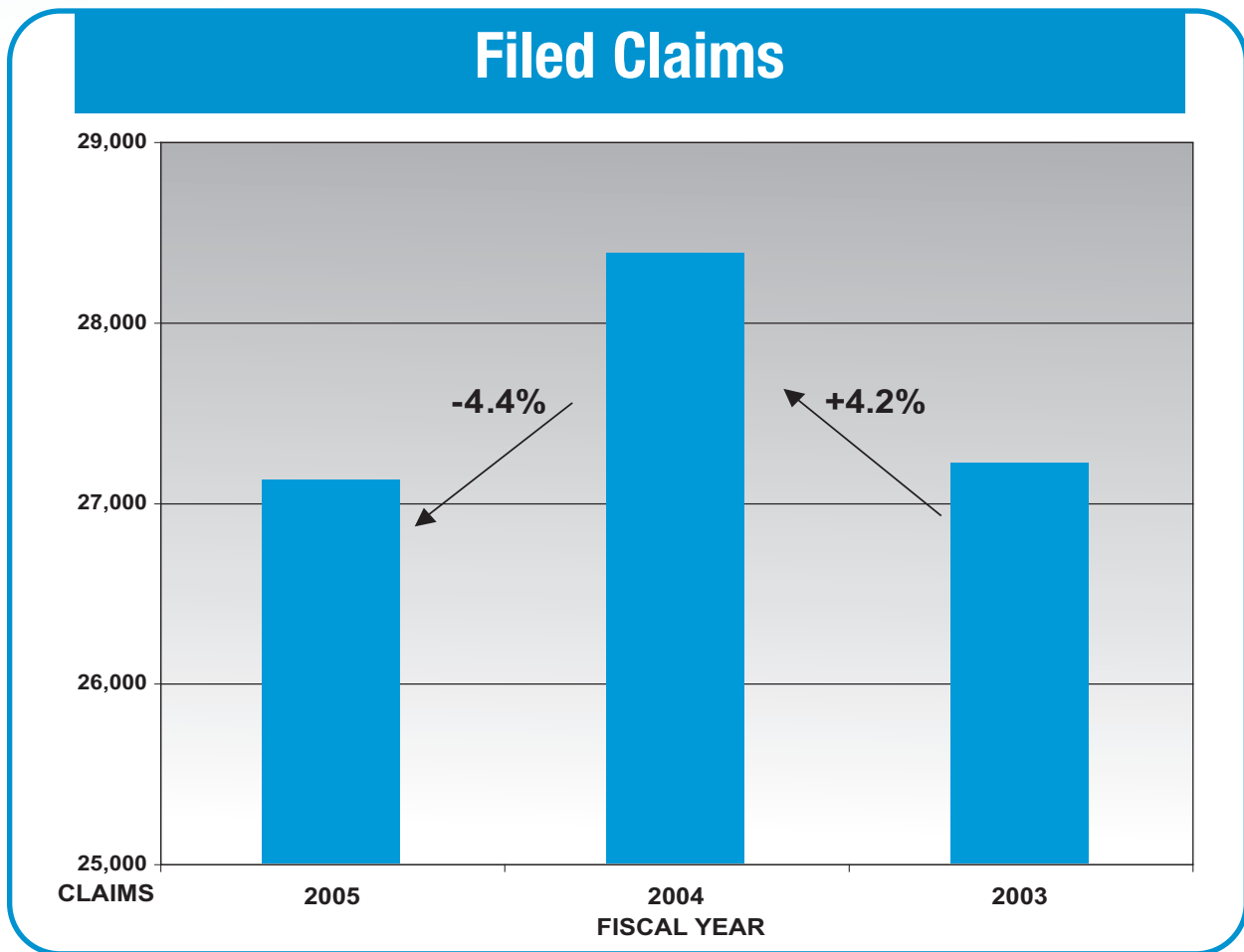


Chart 01

Source Of Filed Claims By Political Subdivision

JURISDICTIONS	FISCAL YEAR		
	2005	2004	2003
Baltimore City	5,036	5,259	5,050
Baltimore County	4,644	5,053	4,714
Prince George's County	3,112	3,184	3,065
Montgomery County	2,289	2,346	2,295
Anne Arundel County	2,229	2,317	2,344
Harford County	1,194	1,266	1,226
SIX MAJOR METRO AREAS - COUNT	18,504	19,425	18,694
Percent of Total Filed Claims	68.2%	68.4%	68.7%
Frederick County	912	923	926
Washington County	880	831	778
Carroll County	672	777	775
Howard County	591	332	325
Charles County	456	533	473
Wicomico County	436	478	441
Calvert County	406	369	410
Allegany County	358	439	318
Cecil County	354	365	347
St. Mary's County	348	281	300
Caroline County	201	200	177
Queen Anne's County	200	185	195
Worcester County	176	194	181
Dorchester County	173	180	137
Talbot County	118	125	117
Garrett County	114	146	146
Somerset County	110	111	113
Kent County	75	93	83
Unclassified	3	332	325
EIGHTEEN NON-METRO AREAS - COUNT	6,583	6,894	6,567
Percent of Total Filed Claims	24.3%	24.3%	24.1%
OUT OF STATE CLAIMS - COUNT	2,035	2,061	1,955
Percent of Total Filed Claims	7.5%	7.3%	7.2%
TOTAL	27,122	28,380	27,216

Source: Commission Data, July 2005

Table 02

Claim Filings with Commission by Market Segment

Market Segment	FISCAL YEAR					
	2005		2004		2003	
	Count	Percent	Count	Percent	Count	Percent
Voluntary Market Insurers	13,111	48.3%	13,901	49.0%	13,569	49.9%
Injured Workers' Insurance Fund	6,924	25.5%	6,671	23.5%	5,658	20.8%
Self-Insured						
Governmental Entities	4,229	15.6%	4,265	15.0%	4,237	15.6%
Hospitals	773	2.9%	767	2.7%	829	3.0%
Other Self-Insured Employers	1,239	4.6%	1,254	4.4%	1,727	6.3%
Other Private Groups	348	1.3%	450	1.6%	410	1.5%
Other	498	1.8%	1,072	3.8%	786	2.9%
TOTAL	27,122	100.0%	28,380	100.0%	27,216	100.0%

Source: Commission Data, July 2005

Table 03



Claims Filed By Industry

Industries With More Than 100 Filed Claims

Industries With More Than 100 Filed Claims	FISCAL YEAR					
	2005		2004		2003	
	Count	Percent	Count	Percent	Count	Percent
Policemen - Security	1,753	6.5%	2,337	8.2%	2,532	9.3%
Truckmen N.O.C	1,145	4.2%	1,789	6.3%	1,867	6.9%
Colleges or Schools Incl. Day Care	914	3.4%	1,385	4.9%	1,457	5.3%
Building, Raising or Moving - General Construction	830	3.1%	1,202	4.2%	1,216	4.5%
Hotels, Restaurants, Bars & Nightclubs	731	2.7%	1,100	3.9%	1,173	4.3%
Top 5 Industries In Filed Claims	5,373	19.8%	7,813	27.5%	8,245	30.3%
Hospitals - All Other Employees	640	2.4%	851	3.0%	783	2.9%
Meat Combined Grocery and Provision Stores Retail	518	1.9%	788	2.8%	850	3.1%
Convalescent or Nursing Homes All Employees	462	1.7%	731	2.6%	690	2.5%
Firemen Inc. Volunteer Dept & Ambulance Service	424	1.6%	639	2.2%	708	2.6%
Automobile Garages or Repair Shops Inc. Dealers	395	1.5%	598	2.1%	639	2.3%
Taxicab and Bus Companies	384	1.4%	562	2.0%	566	2.1%
Municipal Township County or State Employees N.O.C.	320	1.2%	470	1.7%	545	2.0%
Carpentry N.O.C. Renovations	315	1.2%	562	2.0%	576	2.1%
Clerical Office Employees N.O.C.	315	1.2%	400	1.4%	458	1.7%
Storage Warehouses General Merchandise N.O.C.	243	0.9%	388	1.4%	466	1.7%
Clothing or Dry Goods Stores Retail	236	0.9%	379	1.3%	356	1.3%
Charitable Organizations (Goodwill)	209	0.8%	356	1.3%	327	1.2%
Store Risks Wholesale or Combined N.O.C. K-mart	192	0.7%	304	1.1%	254	0.9%
Electrical Wiring in Buildings	188	0.7%	306	1.1%	333	1.2%
Plumbing-Steam Fitting	185	0.7%	283	1.0%	314	1.2%
Employment Agencies	184	0.7%	251	0.9%	282	1.0%
Landscape & Tree Surgery	181	0.7%	255	0.9%	240	0.9%
Buildings Operation by Contractors	174	0.6%	217	0.8%	206	0.8%
Sheet Metal Work Incl. Air Conditioning & Refrigeration	169	0.6%	250	0.9%	263	1.0%
Housing Authorities - Apts & Condos Incl. Real Estate	150	0.6%	248	0.9%	274	1.0%
Unclassified (Insufficient Data)	144	0.5%	230	0.8%	206	0.8%
Physicians Incl. Clerical	101	0.4%	147	0.5%	188	0.7%
Industries With More Than 100 Filed Claims	6,129	22.6%	9,215	32.5%	9,524	35.0%
Number Of Industry Groups Represented	26		26		26	
All Other	15,620	57.6%	11,352	40.0%	9,447	34.7%
TOTAL	27,122	100.0%	28,380	100.0%	27,216	100.0%

Source: Commission Data, July 2005

Table 04

Awards According To Nature Of Injury

NATURE OF INJURY	FISCAL YEAR											
	2005 AWARDS				2004 AWARDS				2003 AWARDS			
	TT	PT/PP	Total	% of Total	TT	PT/PP	Total	% of Total	TT	PT/PP	Total	% of Total
Burns	133 55.4%	107 44.6%	240	1.2%	198 61.3%	125 38.7%	323	1.3%	186 57.2%	139 42.8%	325	1.4%
Cuts, Abrasions Punctures	1,068 71.1%	434 28.9%	1,502	7.5%	1,262 70.3%	533 29.7%	1,795	7.3%	1,118 69.2%	497 30.8%	1,615	6.7%
Fractures	169 54.9%	139 45.1%	308	1.5%	263 58.3%	188 41.7%	451	1.8%	329 63.3%	191 36.7%	520	2.2%
Dislocations/ sprains	9,794 61.1%	6,235 38.9%	16,029	80.3%	11,803 59.8%	7,936 40.2%	19,739	79.8%	12,127 63.9%	6,851 36.1%	18,978	79.3%
Multi/other	998 53.2%	878 46.8%	1,876	9.5%	1,357 55.5%	1,086 44.5%	2,443	9.9%	1,433 57.6%	1,055 42.4%	2,488	10.4%
TOTAL	12,165	7,795	19,955	100.0%	14,883	9,868	24,751	100.0%	15,193	8,733	23,926	100.0%
	61.0%	39.0%			60.1%	39.9%			63.5%	36.5%		

Source: Commission Data, July 2005

TT - Temporary Total PT - Permanent Total PP - Permanent Partial

Table 05

Awards According To Percentage Of Disability And Body Part

FISCAL YEAR 2005												
TOP TEN BODY PARTS DISABLED												
BODY PART	0%	11%	21%	31%	41%	51%	61%	71%	81%	91%	TOTAL	% OF TOTAL
	TO	TO	TO	TO	TO	TO	TO	TO	TO	TO		
	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%		
Thorax-lower (Back)	1,134	1,077	546	302	200	94	69	61	18	1	3,502	27.7%
Shoulder	502	583	350	161	85	48	21	24	8	1	1,783	14.1%
Neck	585	442	247	139	97	38	16	21	6	2	1,593	12.6%
Legs	261	328	334	175	120	49	59	31	8	2	1,367	10.8%
Knees	210	360	341	146	80	31	30	17	6	0	1,221	9.6%
Hands	275	357	231	100	61	33	14	7	10	1	1,089	8.6%
Arms	169	230	171	94	60	30	15	17	9	1	796	6.3%
Feet	140	167	100	66	30	22	17	13	4	0	559	4.4%
Wrists	109	133	78	34	17	10	2	2	2	0	387	3.1%
Multiple Or All Other	82	73	59	39	31	23	20	15	13	4	359	2.8%
TOTAL	3,467	3,750	2,457	1,256	781	378	263	208	84	12	12,656	100.0%
% OF TOTAL	27.4%	29.6%	19.4%	9.9%	6.2%	3.0%	2.1%	1.6%	0.7%	0.1%	100.0%	

Source: Commission Data, July 2005

Table 06

Permanency Awards According To Percentage Of Disability

Limited To Top Ten Body Parts Disabled - Fiscal Year

FISCAL YEAR	0% TO 10%	11% TO 20%	21% TO 30%	31% TO 40%	41% TO 50%	51% TO 60%	61% TO 70%	71% TO 80%	81% TO 90%	91% TO 100%	TOTAL
2005	3,467 27.4%	3,750 29.6%	2,457 19.4%	1,256 9.9%	781 6.2%	378 3.0%	263 2.1%	208 1.6%	84 0.7%	12 0.1%	12,656 100.0%
2004	3,764 25.1%	4,701 31.3%	2,944 19.6%	1,603 10.7%	911 6.1%	478 3.2%	279 1.9%	237 1.6%	80 0.5%	25 0.2%	15,022 100.0%
2003	4,558 26.9%	5,532 32.6%	3,409 20.1%	1,512 8.9%	882 5.2%	486 2.9%	271 1.6%	216 1.3%	91 0.5%	17 0.1%	16,974 100.0%

Source: Commission Data, July 2005

Table 07

Permanency, Fatality And Compromise Awards By Type Of Award

FISCAL YEAR

TYPE	2005			2004			2003		
	Count	Amount	Average	Count	Amount	Average	Count	Amount	Average
Permanent Total	77	\$ 2,213,005	\$ 28,740	93	\$ 3,186,225	\$34,260	115	\$ 4,252,928	\$36,982
Percent Change - Prior Year	-17.2%	-30.5%	-16.1%	-19.1%	-25.1%	-7.4%			
Permanent Partial	7,775	125,435,101	16,133	9,763	152,687,558	15,639	8,595	130,866,092	15,226
Percent Change - Prior Year	-20.4%	-17.8%	3.2%	13.6%	16.7%	2.7%			
Fatality	37	1,456,357	39,361	23	941,275	40,925	28	1,490,999	53,250
Percent Change - Prior Year	61.0%	55.0%	-3.8%	-17.9%	-36.9%	-23.1%			
Compromise	7,934	132,256,602	16,670	9,695	143,121,224	14,762	8,485	113,298,766	13,353
Percent Change - Prior Year	-18.2%	-7.6%	12.9%	14.3%	26.3%	10.6%			
Total	15,823	262,967,940	16,610	19,574	\$299,936,282	\$15,323	17,223	\$249,908,785	\$14,510
Percent Change - Prior Year	-19.1%	-12.3%	8.4%	13.7%	20.0%	5.6%			
Compromises as a Percent of Permanent Partials		105.4%	103.3%		93.7%	98.0%		86.6%	87.7%

Source: Commission Data, July 2005

Table 08

Commission Claims Data

Commission Claim Actions	FISCAL YEAR					
	2005		2004		2003	
	Count	Percent	Count	Percent	Count	Percent
First Reports of Injury	126,270		125,364		130,757	
Total Claims Filed	27,122	100.0%	28,380	100.0%	27,216	100.0%
Disputed Accidental Injury Claims	5,990	22.1%	5,410	19.1%	5,808	21.3%
Temporary Total Awards	15,234	56.2%	15,157	53.4%	15,576	57.2%
Claims Settled	7,934	29.3%	8,485	29.9%	9,695	35.6%
Claims Deferred	7,122	26.3%	6,886	24.3%	6,242	22.9%
Claims Disallowed by Commission	622	2.3%	738	2.6%	918	3.4%

Source: Commission Data, July 2005

Table 09

Incidents Processed And Commission Filings – All Filers ⁽³⁾

CATEGORY	CALENDAR YEAR					
	2004-2005		2003-2004		2002-2003	
	Count	Percent	Count	Percent	Count	Percent
Incidents Processed by Insurer/Self-Insurer ⁽¹⁾	94,199	100.0%	97,712	100.0%	93,802	100.0%
Incidents Accepted by Insurer/Self-Insurer ⁽¹⁾	81,038	86.0%	83,917	85.9%	76,791	81.9%
Claims Filed with Commission ⁽²⁾	27,122	28.8%	29,191	29.9%	28,176	30.0%
Disputed Accidental Injury Claims ⁽²⁾	5,091	5.4%	5,186	5.3%	5,507	5.8%
Claims Disallowed by Commission ⁽²⁾	622	0.7%	689	0.7%	869	0.9%

Source: Commission Data, July 2005

⁽¹⁾ Incidents Processed and Accepted are Calendar Years 2002 - 2004

⁽²⁾ Claims Data is Fiscal Year 2003 - 2005

⁽³⁾ Excludes UEF and SIF Claims

Table 10

Comparative Tri-State Employment, Claims & Fatalities

FISCAL YEAR 2005

State	Workforce*	Claims Filed	Fatalities
Pennsylvania	5.1 M	98,041	111
Virginia	2.9 M	44,512	143
Maryland	2.1 M	27,122	37

Source: Respective State Annual Report Publications

* Census Data

Table 11

Fatalities By Industry Grouping

FISCAL YEAR

INDUSTRY GROUP	Employment ⁽¹⁾	Fatality Awards		
		2005	2004	2003
FEDERAL GOVERNMENT ⁽³⁾	127,569			
STATE GOVERNMENT	95,001	2	2	2
LOCAL GOVERNMENT	231,685	10	7	5
GOVERNMENT SECTOR - TOTAL	454,255	12	9	7
GOOD PRODUCING				
Natural Resources and Mining	6,448			
Construction	171,749	9	11	9
Manufacturing	144,745	4	4	
SERVICE PROVIDING				
Trades, Transportation, and Utilities	471,999		2	1
Information	49,703			1
Financial Activities	156,452			
Professional and Business Services	365,564			1
Education and Health Services	330,654	1		
Leisure and Hospitality	216,929			
Other Services	89,060	4	7	2
UNCLASSIFIED	1,954	7	6	5
PRIVATE SECTOR TOTAL - ALL INDUSTRIES	2,005,257	25	30	19
TOTAL EMPLOYMENT	2,459,512	37	39	26

Source: ⁽¹⁾ DLLR 4th Quarter 2003

⁽²⁾ Commission Data, July 2005

⁽³⁾ Data Not Available

Table 12

Claims Filed By Sex And Age

FISCAL YEAR 2005

Sex	Age Group	Claims Filed	Percent
MALE	Unknown	259	1.0%
	10 - 19	268	1.0%
	20 - 29	2,628	9.7%
	30 - 39	4,044	14.9%
	40 - 49	4,431	16.3%
	50 - 59	2,582	9.5%
	60 - 69	731	2.7%
	70 - 79	119	0.4%
	80 - 89	17	0.1%
Total		15,079	55.6%
FEMALE	Unknown	47	0.2%
	10 - 19	144	0.5%
	20 - 29	1,312	4.8%
	30 - 39	1,871	6.9%
	40 - 49	2,569	9.5%
	50 - 59	1,758	6.5%
	60 - 69	568	2.1%
	70 - 79	105	0.4%
	80 - 89	14	0.1%
Total		8,388	30.9%
UNKNOWN	Unknown	2719	10.0%
	10 - 19	9	0.0%
	20 - 29	121	0.4%
	30 - 39	228	0.8%
	40 - 49	298	1.1%
	50 - 59	203	0.7%
	60 - 69	67	0.2%
	70 - 79	0	0.0%
	80 - 89	10	0.0%
Total		3,655	13.5%
Total Claims Filed:		27,122	100.0%

Source: Commission Data, July 2005

Table 13

Occupational Diseases

CATEGORY	FISCAL YEAR		
	2005	2004	2003
Repetitive Motion Including Carpal Tunnel	202	278	474
Heart Disease - Hypertension	114	259	300
Hearing Loss	12	92	11
Environmental Pollution - Toxic	41	35	42
Other	351	332	216
Total	720	996	1,043

Source: Commission Data, July 2005

Table 14

Occupational Diseases By Industry Grouping

INDUSTRY GROUP	FISCAL YEAR		
	2005	2004	2003
State and Local Government	274	359	431
Manufacturing	70	137	146
Construction	59	89	93
Agriculture	2	4	11
Textile	-	5	4
Transportation	34	24	27
Medical	26	66	59
Administrative	81	104	101
Service	138	102	159
Unclassified	36	106	12
TOTAL	720	996	1,043

Source: Commission Data, July 2005

Table 15

Vocational Rehabilitation Case Management

FISCAL YEAR 2005

	Count	Percent
Return to Work		
Same Employer, Same Job	940	45.8%
Same Employer, Different Job	142	6.9%
New Employer, Same Occupation	74	3.6%
New Employer, Different Occupation	308	15.0%
Self-Employment	10	0.5%
Medical Issues - Not Employed	222	10.8%
Subtotal	1,696	82.7%
Employment Status Unknown		
Rehab Services Declined	87	4.2%
Rehab Program Dropout	168	8.2%
Claimant Moved Out-of-State	21	1.0%
Claimant Declined Job Offers	79	3.9%
Subtotal	355	17.3%
Total Voc. Rehab Case Dispositions	2,051	100.0%

Vocational Rehabilitation Assistance was offered to an additional 1,218 injured workers of which 777 were restricted to medical case management and 441 were closed because of settlement or retirement.

Source: Commission Data, July 2005

Table 16



Source Of Claims And Appeals By Political Subdivision

JURISDICTIONS	FISCAL YEAR					
	2005		2004		2003	
	Claims	Appeals	Claims	Appeals	Claims	Appeals
Baltimore City	5,036	450	5,259	473	5,050	505
Baltimore County	4,644	466	5,053	506	4,714	578
Prince George's County	3,112	341	3,184	329	3,065	258
Montgomery County	2,289	333	2,346	327	2,295	297
Anne Arundel County	2,229	231	2,317	296	2,344	267
Harford County	1,194	149	1,266	153	1,226	147
SIX MAJOR METRO AREAS - COUNT	18,504	1,970	19,425	2,084	18,694	2,052
Percent of Total Filed Claims	68.2%	75.3%	68.4%	73.3%	68.7%	76.0%
Frederick County	912	83	923	77	926	82
Washington County	880	68	831	97	778	88
Carroll County	672	55	777	56	775	44
Howard County	591	103	332	143	325	100
Charles County	456	55	533	78	473	44
Wicomico County	436	47	478	42	441	29
Calvert County	406	30	369	31	410	23
Allegany County	358	63	439	82	318	58
Cecil County	354	30	365	32	347	47
St. Mary's County	348	31	281	28	300	21
Caroline County	201	4	200	4	177	5
Queen Anne's County	200	15	185	14	195	24
Worcester County	176	6	194	24	181	14
Dorchester County	173	14	180	20	137	25
Talbot County	118	11	125	3	117	8
Garrett County	114	13	146	17	146	13
Somerset County	110	8	111	2	113	11
Kent County	75	10	93	8	83	13
Unclassified	3		332		325	
EIGHTEEN NON-METRO AREAS - COUNT	6,583	646	6,894	758	6,567	649
Percent of Total Filed Claims	24.3%	24.7%	24.3%	26.7%	24.1%	24.0%
OUT OF STATE CLAIMS - COUNT	2,035		1,945		2,008	
Percent of Total Filed Claims	7.5%		6.9%		7.4%	
TOTAL	27,122	2,616	28,380	2,842	27,216	2,701
PERCENT OF CLAIMS APPEALED		9.6%		10.0%		9.9%

Source: Commission Data, July 2005

Table 17a

Source Of Appeals

Source	FISCAL YEAR		
	2005	2004	2003
Claimant	1,397	1,448	1,253
Employer/Insurer	1,121	1,277	1,304
Subsequent Injury Fund	69	92	92
Uninsured Employers' Fund	29	27	52
TOTAL	2,616	2,844	2,701

Source: Commission Data, July 2005

Table 17b





Agency Performance

Agency P E R F O R M A N C E



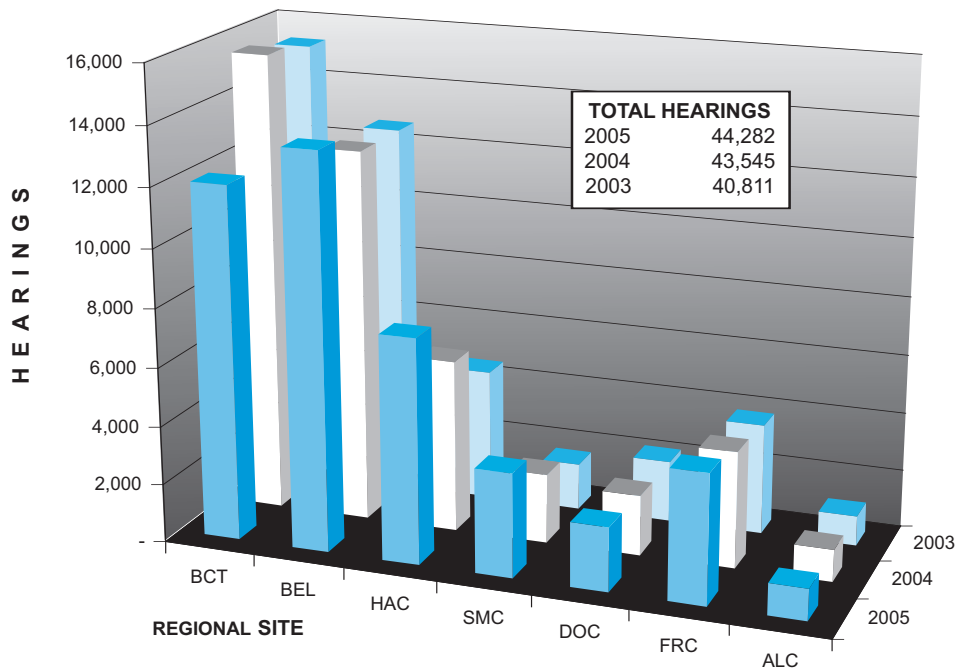
Directors

Back row: Mary K. Ahearn, Linda Jenkins, Dave Muir, Regina Brown, Judy Johnston (left to right)
 Front row: Neshera Jarrett, Tom Murphy, Lisa Erlandson Turpin, Bob Timanus (left to right),
 Monica Matthews (not pictured)

scheduled hearings over last fiscal year. The Hearing Division issued a total of 34,922 Orders and despite the increased workload, 97% of the hearing Orders were issued within thirty (30) days of the date of the scheduled hearing. A total of 45,395 issues were filed with the Commission this fiscal year. The issues are divided into three priority groups, priorities 1 and 2 being those issues of the most urgent nature and priority 3, those issues related to permanency. The Commission was able to schedule 94% of priority 1 and 2 issues within 60 days of the file date. With the improvements to the Commission's docketing system, requests for emergency hearings have decreased by 219 in absolute numbers from the previous year and the Commission anticipates a continued decrease resulting from the April 1, 2005 implementation of its new daily docketing program.

The Commission scheduled 44,282 hearings throughout the state. To facilitate transition to the new daily docketing program, the Commission assigned additional dockets and increased docket size throughout the spring of 2005 leading to an increase in

Scheduled Hearing Distribution



	BALTIMORE CITY	BELTSVILLE	ABINGDON	LA PLATA	CAMBRIDGE	FREDERICK	CUMBERLAND
	BCT	BEL	HAC	SMC	DOC	FRC	ALC
■ 2005	12,018	13,411	7,641	3,555	2,186	4,399	1,072
□ 2004	15,574	12,633	5,869	2,355	2,056	3,961	1,097
■ 2003	15,236	12,626	4,489	1,586	2,086	3,762	1,026

Chart 18

Emergency Hearing Requests On Filed Issues

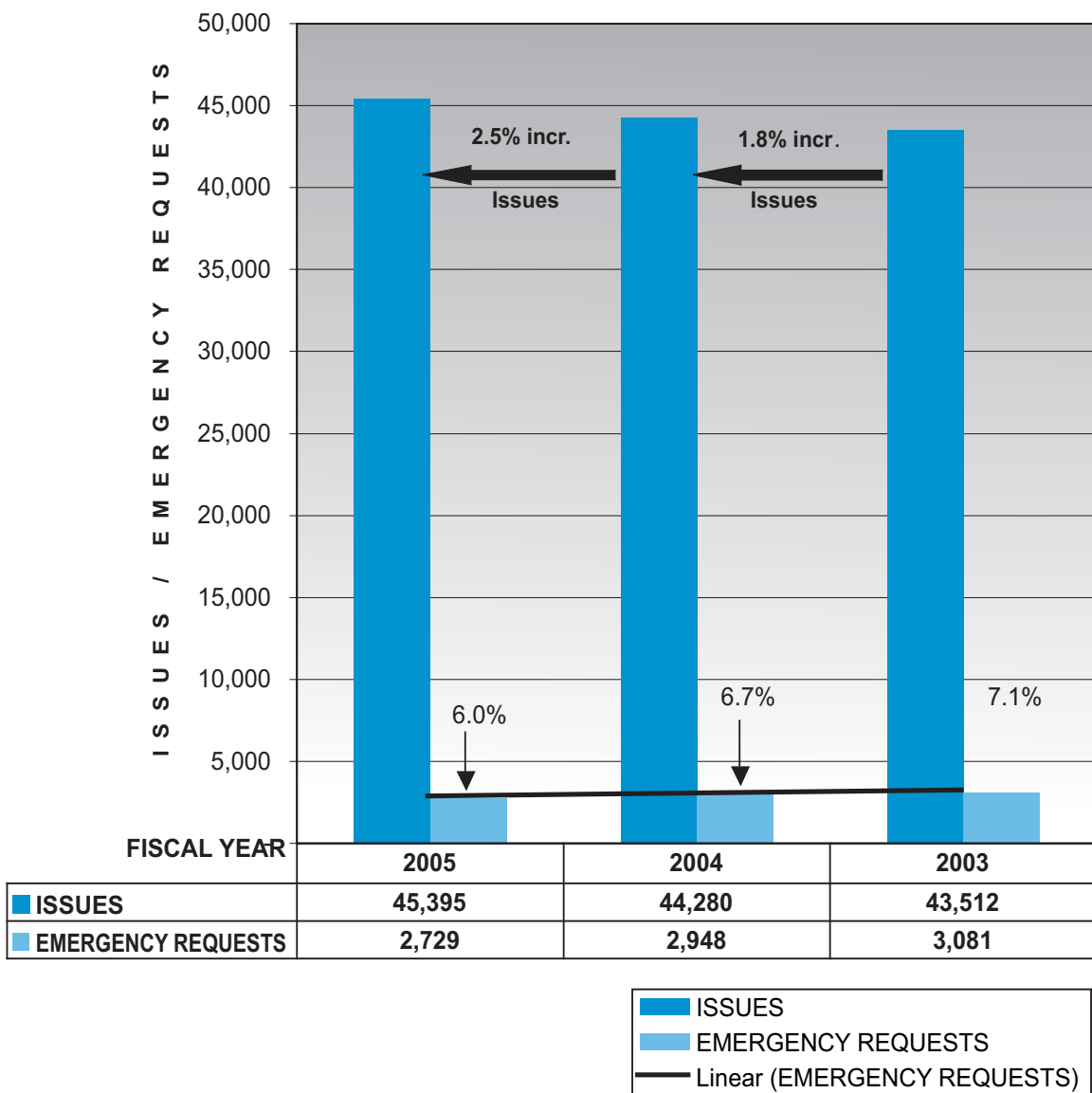


Chart 19

The number of requests for interpreter services continued to increase, with 90% of the interpretations provided at the Commission's

Beltsville regional hearing site. The Commission added a reservation system to confirm interpreter requests.

LEP Program Statistics

ITEM	FISCAL YEAR		
	2005	2004	Change
Requests	1,345	1,050	28.1%
Interpretations Provided	629	398	58.0%
Requests Continued/Withdrawn	628	570	10.2%
Awaiting Hearing Date	208	120	73.3%
Spanish Interpretations	560	358	56.4%
All Other Interpretations	69	40	72.5%
Percent Spanish	89.0%	90.0%	-1.1%
Variety Of Languages Provided	25	23	8.7%

Source: Commission Data, July 2005

Table 20

The Commission receives over 400,000 forms annually representing almost two million pages of documents that are scanned into the system. The new electronic filing capabilities of the Web-Based File Management System (WFMS) will decrease the manual handling of these documents, impacting three units (mail-room, document preparation and scanning/indexing). While approximately 3,000 forms were submitted electronically in fiscal year 2005, as more forms are made available to be submitted electronically and with access opened to additional participants, the agency expects electronic submissions to increase significantly resulting in greater overall accuracy and efficiency. The heavy volume of paper processed by the Commission is evidenced by the 725,000 pieces of outgoing mail sent annually.

Customer Service receives over 9,000 calls per month. Ninety-five percent of the calls routed to an attendant are answered in less than 60 seconds. Callers can also access current claim status through an automated voice response system. Improvements to this system have been implemented during the current fiscal year to increase system capacity and allow for greater automation. In addition, an emergency closing function was added to allow the public to access changes in hearing status due to inclement weather or emergency closings. As many may recall, a fire occurred in January at the Commission's Beltsville regional site. The new emergency communi-

cation function was particularly beneficial in disseminating important information regarding the rescheduling and relocation of hearings during the site's seven-week closure.

The Court Reporting Division is responsible for making a verbatim record of all hearings held. The transcripts of proceedings are for appellate purposes, third-party litigation, reopenings, and general requests by other parties of interest. This fiscal year the court reporting staff received 3,073 requests for transcripts, of which 2,079 were provided for appellate litigation and 994 for other general request purposes. In addition, due to new regulations regarding the referral of allegations of fraud, expedited (within 2 weeks of hearing) transcripts of proceedings were also provided in 16 cases that were referred to the Maryland Insurance Administration (MIA) for investigation of potential fraud.

Hearing Transcripts

Category	FISCAL YEAR		
	2005	2004	2003
Non Appeal Transcripts	994	986	981
Appeal Transcripts	2,079	2,267	2,260
Fraud Hearing Transcripts to MIA ⁽¹⁾	16	NA	NA

Source: Commission Data, July 2005

⁽¹⁾ Fraud Hearing Program Began November 2004

Table 21

A Stipulation Rehabilitation Plan is a plan developed by a vocational counselor and injured worker based on the injured worker's current limitations using work histories, social/psychological histories, various tests and medical documentation. The plan is a contract/stipulation agreement between the injured worker, injured worker's attorney, employer/insurance carrier and counselor for job placement and/or training for a specified period of time. The Commission may or may not accept the plan. In 2005, 620 Stipulation Plans were approved.

A Rehabilitation Service Plan is a vocational rehabilitation plan developed between the vocational counselor and injured worker based on the injured worker's current limitations. The counselor takes into consideration individual work histories, social/psychological histories, various tests and medical documentation. The plan is then submitted to the Commission to be forwarded to all parties for agreement as to the terms of the plan. If all parties do not agree, a hearing is scheduled before the Commission. In 2005, 27 Service Plans were processed. As a part of the Workers' Compensation Rehabilitation Provider Certification Program there are currently on record 981 certified vocational rehabilitation providers including 264 counselors, 522 medical case managers, 149 physical therapists, 30 occupational therapists and 16 evaluators. The Vocational Rehabilitation Section sponsored 18 workshops for service providers at the regional sites.

Before a medical bill is presented to the Commission for consideration, it must be presented to the employer and/or insurer for payment. If payment is refused, then an itemized bill is presented with the Commission's Claim for Medical Services Form (C-51 form), which was updated in January 2005. The Commission validates the Current Procedural Terminology (CPT) codes using the Medical Fee Guide in effect for the year of service. The Commission will then issue an Order NISI for allowed medical claims.

During fiscal year 2005, the Commission received and processed 1,737 C-51's, of which 1,035 were controverted by the employer and/or insurer and were subsequently set for a hearing before a Commissioner. If an insurer refuses payment of the Medical Claim, a health care provider may request a hearing before the Commission. The Commission may impose penalties, fines and interest or may deny the Employer and Insurer the right to object to reimbursement if they fail, without good cause, to timely reimburse the provider for treatment of services. The Commission issued 702 Final Orders of Payment and 25 claims to be referred for medical evaluation.





Premium and Cost Data

PREMIUM/COST DATA

Workers' Compensation Premium Rate Ranking

2004

Ranking	State	Median Index Rate	State % of Median	Ranking	State	Median Index Rate	State % of Median
1	California	6.08	235.8%	27	New Mexico	2.56	99.3%
2	Alaska	4.39	170.0%	28	Wyoming	2.43	94.1%
3	Florida	4.20	162.9%	29	New Jersey	2.38	92.1%
4	Hawaii	3.73	144.4%	30	Michigan	2.34	90.7%
5	Ohio	3.59	139.0%	31	Colorado	2.33	90.4%
6	Kentucky	3.48	135.0%	32	North Carolina	2.32	90.0%
7	Delaware	3.44	133.4%	33	Wisconsin	2.27	87.9%
8	Montana	3.41	132.1%	34	Idaho	2.25	87.2%
9	Louisiana	3.37	130.6%	35	Washington	2.20	85.1%
10	District of Columbia	3.26	126.4%	36	Mississippi	2.19	84.9%
11	Connecticut	3.23	125.3%	37	Georgia	2.14	82.7%
12	New Hampshire	3.19	123.7%	38	Nebraska	2.10	81.6%
13	Maine	3.08	119.3%	39	South Carolina	2.08	80.6%
14	Texas	3.08	119.2%	40	Maryland	2.06	79.8%
15	Oklahoma	3.07	119.1%	41	South Dakota	2.05	79.5%
16	Rhode Island	3.01	116.6%	42	Oregon	2.05	79.4%
17	Vermont	2.99	115.7%	43	Iowa	1.91	73.9%
18	New York	2.97	115.1%	44	Kansas	1.81	70.0%
19	Alabama	2.88	111.6%	45	Massachusetts	1.70	65.8%
20	Pennsylvania	2.82	109.1%	46	Utah	1.63	63.1%
21	Minnesota	2.74	106.2%	47	Virginia	1.57	60.8%
22	Missouri	2.67	103.4%	48	Arkansas	1.57	60.8%
23	Illinois	2.65	102.8%	49	Arizona	1.49	57.8%
24	West Virginia	2.64	102.1%	50	Indiana	1.24	48.2%
25	Tennessee	2.62	101.5%	51	North Dakota	1.06	41.2%
26	Nevada	2.58	100.0%				

Source: Research and Analysis Section, Oregon Department of Consumer and Business Services (12/2004)

Table 22

NCCI Voluntary Market Premium And Loss Data⁽¹⁾ (Amounts in Thousands of Dollars)

CALENDAR YEAR

Net Earned Premium	Nationwide		Maryland		Pennsylvania		Virginia	
	Amount	Percent	Amount	Percent	Amount	Percent	Amount	Percent
2003	24,921,768	131.4%	506,697	124.2%	2,249,933	148.5%	736,109	134.0%
2002	23,002,950	121.3%	466,532	114.3%	1,966,766	129.8%	675,828	123.0%
2001	21,047,783	111.0%	404,748	99.2%	1,712,165	113.0%	611,788	111.4%
2000 BASE	18,967,887	100.0%	408,026	100.0%	1,514,995	100.0%	549,369	100.0%
Incurring Losses								
2003	16,989,870	120.7%	418,055	122.2%	1,898,293	154.7%	599,099	141.8%
2002	15,960,403	113.4%	387,812	113.4%	1,505,943	122.7%	491,148	116.2%
2001	15,748,597	111.9%	300,098	87.7%	1,573,464	128.2%	425,240	100.6%
2000 BASE	14,071,503	100.0%	342,126	100.0%	1,227,412	100.0%	422,573	100.0%

Source: NCCI Annual Statistical Bulletin - 2005

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

Table 23

Comparison Of Paid Losses To Premiums Earned

CALENDAR YEAR

	2004		2003		2002	
	Amount	Percent of Total	Amount	Percent of Total	Amount	Percent of Total
Premiums Earned						
Voluntary Market Insurers	371,867,036	55.9%	391,918,506	62.3%	364,943,408	66.8%
IWIF - Commercial Insurance Program	293,314,275	44.1%	236,846,212	37.7%	181,721,722	33.2%
Total Premiums Earned	665,181,311	100.0%	628,764,718	100.0%	546,665,130	100.0%
Paid Losses						
Voluntary Market Insurers	255,701,697	63.5%	230,618,741	64.7%	222,963,620	65.6%
IWIF - Commercial Insurance Program	147,258,164	36.5%	125,666,447	35.3%	116,868,290	34.4%
Total Paid Losses	402,959,861	100.0%	356,285,188	100.0%	339,831,910	100.0%

Source: Harris Survey, February 2005

Table 24





Studies and Reports

STUDIES AND REPORTS

The Commission conducted several studies and issued reports on numerous important topics:

Fraud

At the request of the Legislature, the Commission convened a taskforce, co-chaired by Commissioners Rosenbaum and Quinn and composed of 8 members of the workers' compensation community to study workers' compensation fraud. The taskforce studied how to prevent, identify, and deter workers' compensation fraud by employees, employers and health care providers. When a request for referral is made pursuant to section 9-310.2(a), the Workers' Compensation Commission will conduct a hearing at the most practical time. If the requesting party carries the burden of proof, the Commission will refer the person to the MIA. Finally, the taskforce recommended statutory amendments requiring fraud attestation clauses on all applications for insurance, insurance claim forms, and payments.

Consolidation of the Self-Insurance Functions of the Commission and the MIA

The Commission and the MIA were requested to provide a joint evaluation and recommendations report regarding the consolidation of the regulation of individual self-insured and group self-insured companies. The report concluded that the Commission would be better positioned to take on the group self-insurance program; however, the transfer would not result in any budgetary savings.

Cost Drivers

At the request of the Legislature, the Commission also convened a taskforce co-chaired by Commissioners Vincent and Sfekas, and composed of 14 members of the workers' compensation community to study cost drivers of the workers' compensation system. The committee recommended changes that could result in reductions to indemnity costs. Discussions regarding the following topics were included in the committee's report: the impact of the Subsequent Injury Fund, the benefit tier system and re-openings, vocational rehabilitation, attorney involvement, waiting period, and the State Average Weekly Wage (SAWW).

Access to Care

The Commission is also assessing the impact of the updated medical fee schedule on the availability of care by medical specialty and geo-zip location. Since only one quarter of data subsequent to the September 1, 2004 implementation date has been collected, the results are inconclusive. Additional data for the six months ending June 30, 2005 is due by August 31, 2005 and a full report will be forthcoming.

Harris Report

Pursuant to the 2004 Joint Chairmen's Report, the Commission was charged with conducting a study of the effects of the Harris decision and reporting its analysis back to the Legislature. The second installment of the Report concluded that Harris may have a maximum possible impact of 2.4 percent and a minimum of 0.5 percent on the cost of workers' compensation overall.



Agency Highlights and Process Improvements

Agency Highlights and PROCESS IMPROVEMENTS

New Daily Docket Program

The Commission made changes to its automated docketing system. This new “Daily Docketing System” allows the Commission to set and resolve cases more efficiently. Daily docketing commenced production on April 1, 2005. When the system is fully operational, hearing notices will be generated within 24 hours after the issues are entered into the Commission’s database. Cases are scheduled to be heard within 45 to 60 days on priority issues and 65-75 days on non-priority issues. The new system will also save on mail and paper costs. Prior to daily docketing, when issues were filed, a “Notice of Issues Filed” letter was sent to parties to confirm receipt of issues. This will no longer be required when the system is fully operational since parties will receive an expedited notice of hearing. The expedited receipt of the hearing notice reduces telephone inquiries regarding claim status. The Commission concludes that with hearings being set more rapidly, there will be quicker resolutions to cases. This will allow a faster recovery to the injured worker, and an increase in the number of injured workers who are able to return to work at full capacity.

Medical Fee Guide Modifications

The Commission fully adopted and implemented the use of the Center for Medicare and Medicaid Reimbursement (CMS) fee schedule with a single multiplier, effective for medical services provided on and after September 1, 2004. The Commission’s website contains a medical section, which directs a medical provider to information and updates on the Workers’ Compensation Medical Fee Regulation outlining methodologies/instructions and providing new medical forms that should be used in medical billing and reporting procedures. Additionally, the website provides a direct link to the CMS website for medical provider use.

New Forms and Revisions

The following paper forms were revised:

- Authorization for Release of Medical Information – Form A25 (6/10/05)
- Subpoena/Subpoena Duces Tecum – Form H08 (5/20/05)
- Claim for Medical Services – Form C-51 (1/05)
- Request for a Hearing for Referral to Maryland Insurance Fraud Division – Form H35R (12/15/04)
- Request to Implead a Party – Form H33R (10/12/04) replaced form H-32R
- Request for Action on Filed Issues – Form H25R (10/12/04)

Electronic Form Filing

Since the spring of 2003 the Workers’ Compensation Commission has been receiving documents via the World Wide Web. Attorneys registered with the Commission have been the initial users largely for inquiries and online filing. The Commission is expanding its online audience to include insurers, employers and the general public. Frequently used forms are available for electronic submission such as the SF-1, Postponement Request, C-40 Response, and Enter-Appearance. The Commission is in the process of rewriting its workflow applications for the document imaging system. To date, the Commissioner module, Office Vision and scanning/indexing applications have been rewritten. A Commissioner uses the Commissioner module for processing documents that enter the agency and require action. Office Vision was the word processing system used to create awards, letters and other correspondence for the workers’ compensation community. Office Vision has been replaced by a Mergedoc application that interfaces with the agency’s computer network. The scanning and indexing programs have also been updated and are currently in production.

Proof of Coverage Online

The Commission has been working with the National Council on Compensation Insurance (NCCI) to create a single database that will allow the entire workers' compensation community remote access to Proof of Coverage (POC) information via the internet. This web-based system will enable the community to verify coverage on all employers licensed in Maryland. It will also provide claimants and/or their attorneys an advance start in processing a claim. Once they have checked and verified the insurance coverage on an employer, they can immediately start the investigation. The Commission believes that this will result in a more efficient claims process and quicker payments to the injured worker.

Status of Regional Sites

In June 2004, the Commission began holding hearings in its latest permanent regional hearing site located on the Eastern Shore in Cambridge.

On January 27, 2005, a 2-alarm fire occurred at the Beltsville regional hearing facility resulting in the space being unavailable for seven weeks. The Commission did not cancel any dockets and was able to proceed with both morning and afternoon dockets at a temporary site secured through its landlord.

There has been a delay in securing space for a permanent Frederick location due to an inability to locate adequate space. The Commission has been working with the Department of General Services for over two years. While the Board of Public Works approved the lease and construction drawings and permits were secured, the subsequent bankruptcy of the owner of the prospective space stalled progress. The Commission is searching for an alternate location.

Disaster Recovery Plan Updated

The Commission's current contingency plan has been updated significantly to include a "Disaster Recovery Procedures" manual as well as new software and hardware components to restore and backup critical agency information technology functions. Most notable

of these updates is the Commission's ability to, within 24-hours of a declared disaster, restore the critical functions of the agency and resume adjudication of claims. The Commission established an off-site computer facility (disaster recovery site) in the Abingdon regional hearing location that houses an AS400 minicomputer comparable to the computer at headquarters in Baltimore City. Being one of the few state agencies to have its own "disaster recovery site," we receive frequent requests from other state agencies to utilize its capabilities.

Updated Scanning Software and Equipment

The Commission purchased a duplex scanner that has the capability of scanning up to 60,000 pages per day. It also has a feeder capacity of 500 pages. This enables the Scanning/Indexing Unit to process documents at three times their previous rate. The Unit began using the new scanner in January 2005.

Upgraded Card Access System

The Commission installed and implemented a card access system to control unauthorized access to areas within its Baltimore headquarters. This system was expanded to the Commission's regional sites in Abingdon, Beltsville, Cambridge, and LaPlata. The system is networked via networkMD, and all locations can be controlled remotely.

Insurer Designee

The Commission adopted regulations requiring insurers and self-insured employers to register with the Commission the name, address, telephone number and email address of a designated representative who can identify the competent individual in Maryland handling and adjusting each disputed claim. The Commission will send out a mailing in early July requesting each carrier/SI to access a web form and provide the required information. The Commission will consolidate the list and post it on its website at www.wcc.state.md.us. It is the carrier/SI's responsibility to keep the designee information current.

New Fraud Program

In November 2004, the Commission adopted Regulations for referral for investigation of fraud claims to the Insurance Fraud Division of the MIA. When a party to a claim suspects that fraud has been committed, they shall complete a "Request for a Hearing for Referral to Maryland Insurance Fraud Division" form H-35R. Once the Commission hears the case, it is referred to the MIA, Fraud Division. If a person other than a party to a claim suspects that fraud may have been committed, they can

write to the Workers' Compensation Commission. These cases will be reviewed and if there is enough information to determine that fraud may have been committed, these will also be referred to the MIA, Fraud Division. Since adoption of the Regulations, the Commission has referred 16 alleged fraud cases to the MIA. All cases referred to the MIA were allegations of fraud committed by the claimant. It is too early in the program to determine if any of the referrals will result in prosecution and/or conviction.





Insurance / Self-Insurance

Insurance/ SELF-INSURANCE

The key element of regulating an employer's self-insurance program is requiring adequate net worth and bonding. Of the 13 states in the Southern Association of Workers' Compensation Administrators, Maryland has the highest

net worth standard for program approval and is among the highest in securing bonds and other investment vehicles to cover self-insured's workers' compensation liability in the event of their failure or bankruptcy.

Self-Insurance Program

ITEM	FISCAL YEAR		
	2005	2004	2003
Individual Self-Insurers & 1 Group	117	122	116
Covered SI Employees ⁽¹⁾	419.4 T	423.5 T	411.2 T
Covered SI Payroll ⁽¹⁾	\$16.0 B	\$ 15.3 B	\$14.7 B
SI Payroll as Percent of All Covered Payroll	17.7%	19.1%	19.9%
Security Held ⁽¹⁾	\$231.1M	\$236.4M	\$225.1M
Commission Orders ⁽²⁾	45	59	70

T = Thousand, M = Million, B = Billion

⁽¹⁾ Source: A-01 Report 2004 - 2002

⁽²⁾ Commission Data 2003 - 2005

Table 25

The Commission approved 45 orders covering increases in security, changes in excess policy coverage, additions of subsidiaries to a self-insured's program, corporate restructurings, denial of self-insurance status and security reductions of former individual self-insureds.

The Commission also promulgated regulations that allow the assessing of a fine on self-insured employers who are not in compliance

with reporting requirements. Four audits of self-insured employers were completed, or are in progress.

The application requests for a Certificate of Compliance by qualifying small business people electing not to be covered by workers' compensation are decreasing because the process does not require periodic renewal.

Workers' Compensation Certification & Coverage Election

TYPE	FISCAL YEAR		
	2005	2004	2003
Certificates of Compliance	3,701	4,075	5,160
Coverage Exclusions	3,316	3,507	2,476
Coverage Inclusions	237	280	146

Source: Commission Data, July 2005

Table 26

Endorsements added to standard workers' compensation policies require Commission approval. The Commission, in coordination with the Attorney General's Office, approved 27 such requests during the current year pursuant to IN § 19-402.

workers' compensation coverage requirements under LE § 9-202. After due process and a hearing, two employers were ordered to obtain insurance with either the Injured Workers' Insurance Fund or a registered voluntary market carrier.

The Commission also initiated a prospective employer compliance program with the

Licensed Insurers Writing Workers' Compensation Insurance

Fiscal Year	Licensed Insurers ⁽¹⁾	Licensed Insurers Billed	Percentage of Licensed WC Insurers
2005	690	288	41.7%
2004	677	300	44.3%
2003	679	301	44.3%

Source: Commission Data, July 2005
 (1) Includes Self-Insurers

Table 27







Revenues / Expenditures

Revenues/ EXPENDITURES

Insurer Assessments And Commission Expenses

Fiscal Year	Assessment Base Insurer Payroll	Gross Commission Expense	Safety Program Cost	Net Commission Expense	Assessment per \$1000 of Payroll
2005	\$104,663,366,728	\$21,526,536	\$8,440,357	\$13,086,179	0.205
2004	\$88,449,582,586	\$21,200,215	\$7,766,246	\$13,433,969	0.239
2003	\$80,104,325,889	\$19,829,559	\$7,660,628	\$12,168,931	0.245

Source: Commission Data, July 2005

Table 28

Breakdown of Revenues

The Commission collects from licensed workers' compensation insurers and self-insurers funding for the operating budget of the Commission as well as the Occupational Safety and Health Program within the Department of Labor, Licensing, and Regulation (DLLR). In fiscal year 2005, \$20,947,127 was collected with \$8,306,006 being transferred to DLLR and the remaining funds were disbursed as Commission operating expenditures.

Expenditures

The fiscal year 2005 Legislative Appropriation for the Commission totaled \$12,702,673. This budget was amended to include an additional \$124,566 to cover expenses associated with the statewide cost of living adjustment approved in July 2004. Approximately 70% will provide for the Commission's allotment of 126.6 full-time equivalent permanent position salaries and 17.75 full-time employee contractual position salaries; 10.8% for fixed costs to include lease agreements and lease escalations; 9.4% for contractual services to include computer software and hardware maintenance contracts; and 5.1% for communications and postage.





Regulatory Update

REGULATORY UPDATE

14.09.06.05 – Appeal of Attorney Fees

Requires that when an appeal is filed regarding the award of attorney fees, a copy of the petition for judicial review shall be sent to the Attorney General representing the Commission.

Proposed 1/27/05; final action on 6/9/05 – effective 7/4/05

14.09.01.23 – Legal Representation

The number of days within which an insurer must have an attorney complete and file an Entry of Appearance with the Commission was reduced from 15 days to 10 days.

Proposed 1/27/05; final action on 6/9/05 – effective 7/4/05

14.09.06.01 and .02 – Local Office Requirements for Insurers

14.09.06.01 – defines “competent individual”

Proposed 12/09/04; final action on 3/10/05 - effective 4/11/05

14.09.06.02 – requires registration with the Commission of a designated representative

Adopted 2/24/05; final action on 6/9/05 - effective 7/4/05

14.09.01.01-Definitions

Defines a disputed claim as one that includes a newly filed claim from the date it is filed until the employer or insurer commences paying the claim or until the consideration date has expired.

Proposed 12/9/04; final action on 3/10/05 – effective 4/11/05

14.09.10.08 – Individual Employer and Self-Insurer

Provides for the assessment of a penalty and revocation when an individual employer self-

insurer fails to provide statutorily required reports to the Commission.

Proposed 11/8/04; final action on 3/10/05 – effective 4/11/05

14.09.01.30 – Fraudulent Representation

Provides that requests for referral to the Insurance Fraud Division of the MIA pursuant to Maryland Annotated Code, Labor & Employment, Section 9-310.2 may be made by any party at any time and on a form provided by the Commission.

Proposed 10/14/04; final action on 2/10/05 – effective 3/14/05

14.09.01.14 – Hearings

Provides that when a claim is on appeal and is tried before the Commission, pursuant to its continuing jurisdiction, the appellant shall file with the Commission a request to send the record of that proceeding and decision to the court in which the appeal is pending within sixty days of the decision of the Commission.

Proposed 7/8/04; final action on 10/14/04 – effective 11/8/04

14.09.02.01 - .11 – Group Self Insurance

Adopted regulations to govern governmental group self-insurers.

Proposed 5/13/04; final action on 8/12/04 – effective 9/27/04

14.09.03.01 – Guide of Medical and Surgical Fees

Replaces the 1995 edition of Medical Fee Guide; provides for reimbursement for medical services of Medicare + 109%.

Proposed 2/12/04; final action on 6/10/04 – effective 9/1/04



Legislation

LEGISLATION

The following Legislation was passed during the 2005 Legislative session

H HB 49 Witness Fees and Mileage Costs: Repeals Labor and Employment Article 9-311 (d) that provided for witness fees and mileage reimbursement, under certain circumstances, for subpoenaed witnesses.

HB 128 Cancellation or Nonrenewal of Insurance Policies: This bill specifies that the notice requirements applicable to the cancellation of a policy of workers' compensation insurance, except those cancelled for nonpayment of premium, apply to the refusal to renew a policy as well. The bill further provides that if a policy is to be cancelled for nonpayment of premium, the insurer must send to the employer by certified of mail at least 10 days before the date of cancellation written notice of the intention to cancel for nonpayment of premium and file a copy of that notice with the Workers' Compensation Commission's designee. The bill also requires that any notice of cancellation or refusal to renew a workers' compensation insurance policy provide the actual reason for proposing cancellation or nonrenewal and that a copy of that notice be filed with the Workers' Compensation Commission's designee as well.

HB 348 Fraud Reporting and Prevention: This bill requires that the Uninsured Employers' Fund must comply with the fraud reporting and prevention laws provided for under the Insurance Article of the Maryland Annotated Code.

HB 384 Evaluation of Permanent Impairment for Behavioral or Mental Disorders: The bill specifically authorizes the use of a licensed psychologist or a qualified physician to perform permanent impairment evaluations for that portion of any claimed permanent impairment that involves a behavioral or mental disorder. A licensed physician still must perform any claim for permanent impairment for physical injuries.

HB 454 Workers' Compensation Coverage for Members of Volunteer Fire and Rescue Companies: This bill requires that all members of a volunteer fire and rescue company be covered by workers' compensation insurance while on duty. The coverage may be provided by a policy of insurance provided by the company or by the county in which the company is located.

HB 461 Montgomery County Correctional Officers and the Presumption of Compensability for Heart Disease and Hypertension: Under this bill, Montgomery County correctional officers are now entitled to the presumption of compensability under Labor and Employment Article 9-503 (b) for an alleged occupational disease involving heart disease or hypertension. As a condition of continued employment and to qualify for the presumption, any officer employed on or before September 30, 2005 must submit by December 31, 2005 a copy of a medical report disclosing and describing any existing heart disease or hypertension from which the officer may be suffering. The officer is afforded the benefit of the presumption only to the extent that they suffer from heart disease or hypertension that is more severe than the individual's hypertension or heart disease existing as of the date of the medical report provided.

HB 690 Medical Records – Authorized Disclosures - Compulsory Process: This bill provides new requirements before a health care provider can disclose a medical record without the authorization of a person in interest as defined in law.



Key Cases

KEY CASES

Permanent Partial Disability Apportionment for Separate Injuries

Marshall v. University of Maryland Medical System Corp.
No. 2258, Sept. Term 2003
(Md.App., opinion by Adkins, J., filed 2/28/05)
161 Md.App.379, 869 A.2d 391 (2005)

Summary Judgment

Kelly v. Baltimore County
No. 2595, Sept. Term 2003
(Md.App., opinion by Meredith, J., filed 1/31/05)
161 Md App.128, 867 A.2d 365 (2005)

Past Prologue

Board of Education for Montgomery County, Maryland v. Joannie M. Spradlin
No.0320, September Term, 2004
(Md.App., opinion by Moylan, J., filed 1/31/05)
Md.App. 155, 867 A.2d 370 (2005)

Estoppel

Chaney Enterprises Limited Partnership v. Windsor
No.000715, Sept. Term 2003
(Md.App.,opinion by Hollander, J., filed 7/16/04)
158 Md.App. 1, 854 A.2d 233 (2004)

Private Group Self-Insurance

Maryland Motor Truck Association Workers' Compensation Self-Insurance Group v. Property & Casualty Insurance Guaranty Corp.,
No. 95, Sept. Term 2005
(Md., opinion by Wilner, J., filed 4/6/05)





Committees

COMMITTEES

Maryland General Assembly Workers' Compensation Benefit and Insurance Oversight Committee

Charter 590 and 591 of the Acts of 1987 established the Maryland General Assembly Workers' Compensation Benefit and Insurance Oversight Committee. The Oversight Committee was developed to:

- Examine and evaluate the condition of the workers' compensation benefit and insurance structure in Maryland and the impact these laws have on that structure.
- Review, with respect to adequacy and appropriateness, the changes made to the

permanent partial benefits laws and make recommendations for necessary changes.

- Report to the Governor and the Legislative Policy Committee on December 31 of each year.
- Monitor, review and comment on salient workers' compensation issues for the Maryland Legislature.

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

2005 Membership Roster

Senator Nathaniel Exum, Presiding Chairman
Delegate John F. Wood, Jr., Co-Chairman
Senator John J. Hafer
Delegate Joseph J. Minnick

Representative of Maryland Business Community:
Mary Anne Reuschling

Representative of the Maryland Labor Organization:
Jerry S. Lozupone

Representative of MD Building and Construction Labor Organization:
Charles H. Rush

Two Members of the Public:
Harvey A. Epstein, Esquire
Vacancy

Member of Insurance Industry:
H. Glenn Twigg, Jr.

Member of a Workers' Compensation Rating Organization:
Lori Lovgren, Esq.

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

Workers' Compensation Commissioner - Ex-Officio:
Richard T. La Fata, Commissioner

Committee Staff
Tami Burt and Ann Marie Maloney
Department of Legislative Services

Governor's Advisory Committee on Budget of State Workers' Compensation Commission

Pursuant to the requirements of Labor and Employment Article 9-317 & 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. By November 1st of each year, the Budget Advisory Committee reviews the proposed budget and makes recommendations to the Commission. The Committee submits its annual report and recommendations to the Governor and Legislature by December 1st of each year.

Advisory Committee on the Registration of Rehabilitation Practitioners

The Advisory Committee on the Registration for Rehabilitation Practitioners was formed in 1997. The Committee's role is to review, evaluate and provide recommendations to the Commission regarding a vocational rehabilitation practitioner's application where clarification is needed.

Members are appointed to a three-year term by the state Workers' Compensation Commission and consist of seven members who are certified rehabilitation practitioners (Code Labor and Employment Article, Section 9-6A-05).

Committee Members

Patrick A. Roberson, Esq., Chair
Jeff Horowitz, Esq., Vice-Chair

Honorable Michael J. Wagner
Honorable W. Ray Huff
John J. Coyle, Jr., Esq.
Jeffrey C. Herwig, Esq.
Monica M. Turnbo, Esq.
Kathleen Fink, M.D.
Kevin P. Foy, Esq.
Stephen G. Fugate
Mark T. Hackman, Esq.
Melinda L. Hayes

Committee Members

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

Susan Budden, MS, CRC, MCRSP
Clyde Burke, MA, CPC, MCRSP
Cathryn Gustafson, R.N., WCCM, MCRSP
Janet Spry Ph.D., CRC, LPC, MCRSP
Vickie Butts, R.N., WCCM, CRN, MCRSP
Kathy M. Stone, MS, CDMS, CCM, MCRSP

Medical Fee Guide Revision Committee

The Commission established the Medical Fee Guide Revision Committee to review the methodology applied to the regulation of physician fees. The Committee was instructed to recommend to the Workers' Compensation Commission a method to both develop and regularly update a multiplier to be used with

the CPT codes. The Committee was also charged with recommending the best approach for annually publishing, distributing and updating the fee guide. Committee members equally represent both the payers and receivers of health care services. The Committee is chaired by Commissioners Cynthia S. Miraglia and Sheldon H. Press.

Committee Members

Rudolph Rose, Esq.
Gregory M. Gilbert
Dennis Carroll, Esq.
P. Matthew Darby, Esq.
Beth Porter

Primo R. Padeletti
Michael Levin, Esq.
William Lauretti, D.C.
Lynn Burgoon
Keith A. Segalman, M.D.

David Corum
Derek Kram, M.D.
Miriam Grice
Eric Gordon, P.T.

On September 1, 2004, Regulation .01 under Comar 14.09.03 (Guide to Medical and Surgical Fees) became effective. The Medical Fee

Guide Revision Committee continues to meet and make recommendations to the Commission regarding physician fees.

Workers' Compensation Fraud Committee

As mandated by SB 639, the Commission established a committee to study the prevention, identification, and deterrence of workers'

compensation fraud. This committee was chaired by Commissioner Stephen Rosenbaum and co-chaired by Commissioner Maureen Quinn.

Committee Members

Scott Brown, M.D.

Paula Etting, Esq.
Senior Assistant County Attorney for Harford County

Michael Galey, Esq.
Staff Attorney, Insurance Fraud Division, MIA

Laura Garufi, Esq.
Herwig & Humphreys

William A. Kress, Esq.
Semmes, Bowen & Semmes

Mark A. Snyder, Esq.
Snyder, Eisenberg & Katzenberg

Robert Tardif
Chief Admin., Property & Casualty, MIA

Each member made substantive contributions to the deliberations. The Committee issued its report on December 31, 2004. In summation, procedures are in place at the Workers' Compensation Commission and the MIA to further the goal of reducing workers' compensation fraud; likewise, the Committee felt this goal could be furthered by the implementation of recommended practices within the workers' compensation and insurance communities.

Maryland Insurance Administration Fraud Hotline: 1-(800) 846-4069

Visit the Maryland Insurance Administration Fraud web page for more information

<http://www.mdinsurance.state.md.us/jsp/consumer/Fraud.jsp>

Committee to Study Indemnity Cost Drivers in the Workers' Compensation System

As requested by the Legislature, the Commission established a Committee to study what areas of the law could be considered “cost

drivers” and what, if any, recommendations the Committee could make to the Legislature concerning modification of such “cost drivers”. The Committee was chaired by Commissioner Lawrence M. Vincent and co-chaired by Commissioner Lauren A. Sfekas.

Dennis Carroll, Esq.
Injured Workers' Insurance Fund

Robert Erlandson, Esq.
Lord & Whip

Mark Hackman, Esq.
Constellation Energy Group, Inc.

Mr. Thomas Saquella
Maryland Retailers Association

Ken Stoller, Esq.
American Insurance Association

Ronald Travers, Esq.
Anne Arundel County Office of Law

P. Matthew Darby, Esq.
Albertini & Darby

Bruno DeSimone, Esq.

Mr. Robert McGarrah

L. William Proctor, Esq.

Mr. Robert Rankin
Maryland State Teachers
Association

James Temple, Esq.

All members made substantive contributions to the work of the Committee. A report was

filed with the legislature on December 30, 2004 containing the recommended changes.







Contact Information

Contact INFORMATION

Main Office

Maryland Workers' Compensation Commission

10 East Baltimore Street
Baltimore, MD 21202-1641
410-864-5100 • 1-800-492-0479
TTY Users Call VIA Maryland Relay
E-mail info@wcc.state.md.us
www.wcc.state.md.us

Executive Office

Thomas Patrick O'Reilly, Chairman
410-864-5300

Mary K. Ahearn, Executive Director of Administration
410-864-5308

Kimberly Smith Ward, Assistant Attorney General
410-576-6319

Lisa Erlandson Turpin, Director EEO & Employee Development
410-864-5296
lturpin@wcc.state.md.us

Judith Johnston, Director Hearing Division
410-864-5306
jjohnston@wcc.state.md.us

Court Reporter Division

Linda Jenkins, Director
410-864-5182
ljenkins@wcc.state.md.us

Fiscal Services Division

David Muir, Director
410-864-5254
dmuir@wcc.state.md.us

Information Technology Division

Robert Timanus, Director
410-864-5122
rtimanus@wcc.state.md.us

Insurance Division

Tom Murphy, Director
410-864-5292
tmurphy@wcc.state.md.us

Support Services Division

Regina Brown, Director
410-864-5327
rbrown@wcc.state.md.us

Claims Division

Monica Matthews, Director
410-864-5366
mmatthews@wcc.state.md.us

Processing Division

Neshera Jarrett, Director
410-864-5288
njarrett@wcc.state.md.us

Personnel Division

Lisa Erlandson Turpin, Acting Director
410-864-5233
lturpin@wcc.state.md.us

Regional Hearing Sites

Central Region – Beltsville
4780 Corridor Place Suite D
Beltsville MD 20705

Northeast Region-Abingdon
3465 Box Hill Corporate Center Drive, Suite E
Abingdon MD 21009

Northwest Region-Frederick
5311 Buckeystown Pike
Frederick MD 21704-8307

Western Region-Cumberland
30 Washington Street
Cumberland MD 21502-2948

Eastern Shore Region-Cambridge
828 Airpax Road, Building B, Suite 400
Cambridge MD 21613

Southern Region-LaPlata
Old Towne Center
403 East Charles Street
LaPlata MD 20646

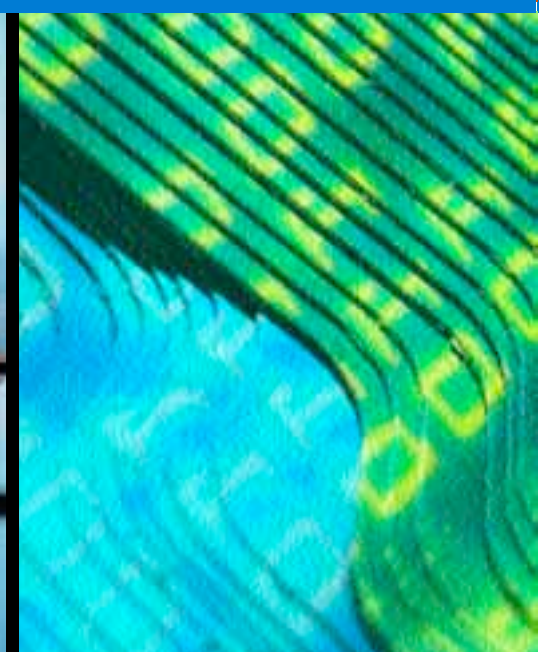
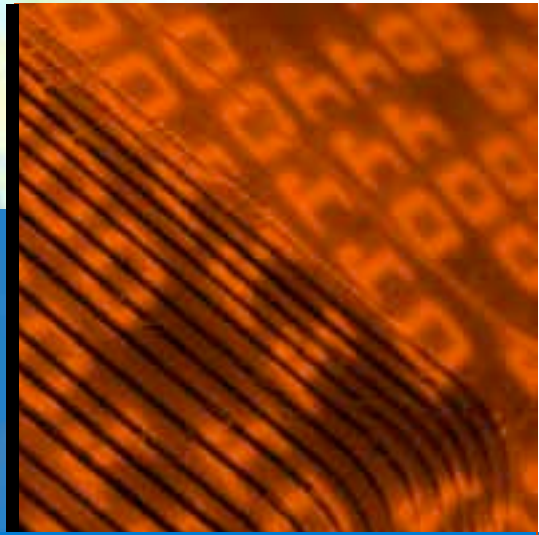
Baltimore City
10 East Baltimore Street
Baltimore MD 21202-1641



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.





MARYLAND WORKERS' COMPENSATION COMMISSION

10 East Baltimore Street
Baltimore, MD 21202-1641
410-864-5100 • 1-800-492-0479
TTY Users Call VIA Maryland Relay
E-mail: info@wcc.state.md.us
Website: <http://www.wcc.state.md.us>