

ADMINISTRATIVE ORDER 2021-01
Ending Timeframe Suspension
and
Rescinding Administrative Order 2020-02 effective June 30, 2021

WHEREAS, in response to the outbreak of Coronavirus Disease 2019 (COVID-19) in the State of Maryland, which saw its first reported case in the first week of March 2020, Governor Larry J. Hogan, Jr., issued a Declaration of a State of Emergency and Existence of Catastrophic Health Emergency - COVID-19, <https://governor.maryland.gov/wp-content/uploads/2020/03/Proclamation-COVID-19.pdf> (March 5, 2020); with periodic updates in the interim (see <https://governor.maryland.gov/covid-19-pandemic-orders-and-guidance/>); and

WHEREAS, the Maryland Department of Health also has issued (and continues to update) guidance and other information on COVID-19, generally following the guidance of the CDC (see <https://coronavirus.maryland.gov>); and

WHEREAS, on March 12, 2020, the Governor moved the state to Elevated Level II - Flexible Operations of the Pandemic Flu and Other Infectious Diseases Attendance and Leave Policy and invoked mandatory telework across state agencies for all non-essential state employees who can perform their duties from home. (See <https://dbm.maryland.gov/employees/Pages/COVID19.aspx> and <https://dbm.maryland.gov/pages/default.aspx>).

WHEREAS, in accordance with his authority under COMAR 14.09.17.03A, approved by the Commission on March 12, 2020, the Chairman of the Commission issued Administrative Order 2020-02 which in part ordered the following:

1. Pursuant to COMAR 14.09.17.03A, all statutory and regulation deadlines related to the initiation of matters required to be filed with the Maryland Workers' Compensation Commission, including statutes of limitations, shall be tolled or suspended, as applicable, effective *nunc pro tunc* March 16, 2020, by the number of days that the Commission remains closed to the public due to the COVID-19 emergency by order of the Chairman of the Commission; and
2. Pursuant to COMAR 14.09.17.03A, all statutory and regulation deadlines related to requirements by workers' compensation insurers to provide certain notice to insureds concerning the termination, renewal, or re-issuance of workers' compensation policies are relaxed to extent that no penalty for technical non-compliance will be imposed by the Commission; and
3. Justice requires that the ordering of the suspension of such deadlines during an emergency as sweeping as a pandemic be applied consistently and equitably throughout Maryland, and no party or parties shall be compelled to prove his, her, its, or their practical inability to comply with such a deadline if it occurred during the COVID-19 emergency to obtain the relief that this Administrative Order provides; and
4. Such deadlines further shall be extended by a period of 30 days beyond the end of the state of emergency, as evidenced by an order reopening the Commission to receive in-person filings at its Baltimore office; and

5. Any such filings made within the period to be described above shall relate back to the day before the deadline expired; and

WHEREAS, on March 9, 2021, the Governor issued Executive Order No. 21-03-09-03 ("Executive Order on Timeframe Suspension"), which rescinds the emergency authority of the Commission to suspend the effect of any legal or procedural deadline, due date, time of default, time expiration, period of time, or other time an act or event described within any State or local statute, rule or regulation effective until the earlier of (i) the date the Chairman elects to end the Timeframe Suspension, or (ii) June 30, 2021; and

WHEREAS, in order to provide the workers' compensation community with maximum notice, the Chairman has elected to end the Timeframe Suspension effective June 30, 2021, in accordance with the Governor's Executive Order No. 21-03-09-03.


NOW THEREFORE, IT IS ORDERED that WCC Administrative Order 2020-02 hereby is no longer in effect; and that effective June 30, 2021, the Timeframe Suspensions, including for the following statutory and regulation deadlines related to the initiation of matters required to be filed with the Maryland Workers' Compensation Commission, will no longer be in effect:

- a. Labor and Employment Article, § 9-709, Annotated Code of Maryland (claim application – accidental personal injury)(60 days) (and related regulations);
- b. Labor and Employment Article, § 9-710, Annotated Code of Maryland (claim application – death from accidental personal injury)(18 months) (and related regulations);
- c. Labor and Employment Article, § 9-711, Annotated Code of Maryland (claim application – disablement or death from occupational disease)(2 years; or in the case of pulmonary dust disease, 3 years) (and related regulations); and
- d. Labor and Employment Article, § 9-736, Annotated Code of Maryland (readjustment; continuing powers and jurisdiction)(5 years) (and related regulations).

IT IS FURTHER ORDERED that enforcement of all statutory and regulation deadlines related to requirements by workers' compensation insurers to provide certain notice to insureds concerning the termination, renewal, or re-issuance of workers' compensation policies will resume effective June 30, 2021.

IT IS FURTHER ORDERED that this Administrative Order rescinds in its entirety Administrative Order 2020-02, issued May 1, 2020.

IT IS THIS 25 day of March, 2021, SO ORDERED.



R. Karl Aumann
Chairman