NOTWITHSTANDING THE $45,000 LIMITATION IN SUBSECTION (A)(3) OF THIS SECTION, THE EMPLOYER OR ITS INSURER SHALL PAY THE BENEFIT FOR THE PERIOD THAT THE COVERED EMPLOYEE IS PERMANENTLY TOTALLY DISABLED.

REVISOR'S NOTE: This section is new language derived without substantive change from the first sentence of former Art. 101, § 36(1).

In subsection (a)(1) of this section, the phrases "as determined by the Department of Economic and Employment Development, as provided in subsection (2) of this section", which formerly modified "the average weekly wage of the State of Maryland", are deleted as unnecessary in light of § 9-603 of this subtitle.

In subsection (a)(2) of this section, the reference to the "last injurious exposure to the hazards of the occupational disease" is added to conform to § 9-602(a)(1) of this subtitle.

Defined terms: "Accidental injury" § 9-101
"Compensation" § 9-101 "Covered employee" § 9-101
"Occupational disease" § 9-101

9-638. COST OF LIVING ADJUSTMENT.

(A) IN GENERAL.

COMPENSATION PAID UNDER THIS PART V OF THIS SUBTITLE IS SUBJECT TO AN ANNUAL COST OF LIVING ADJUSTMENT.

(B) REPORT OF CHANGE IN CONSUMER PRICE INDEX.

ON OR BEFORE JUNE 30 OF EACH YEAR, THE DEPARTMENT OF ECONOMIC AND EMPLOYMENT DEVELOPMENT SHALL DETERMINE AND REPORT TO THE COMMISSION THE RATE OF CHANGE IN THE CONSUMER PRICE INDEX IN THE PRECEDING CALENDAR YEAR, USING AS THE CONSUMER PRICE INDEX THE LOWER OF:

(1) THE AVERAGE OF THE CONSUMER PRICE INDICES (ALL URBAN CONSUMERS, ALL ITEM INDEX) PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE BALTIMORE MSA AND THE WASHINGTON, D.C. MSA; OR

(2) THE UNITED STATES CITY AVERAGE CONSUMER PRICE INDEX (ALL URBAN CONSUMERS, ALL ITEM INDEX).

(C) PUBLICATION OF COST OF LIVING ADJUSTMENT.

(1) ON OR BEFORE JULY 31 OF EACH YEAR, THE COMMISSION SHALL PUBLISH THE AMOUNT OF THE COST OF LIVING ADJUSTMENT THAT SHALL BECOME EFFECTIVE ON JANUARY 1 OF THE FOLLOWING YEAR.