(2) FOR THE PURPOSE OF COMPUTING LOST TIME UNDER PARAGRAPH (1) OF THIS SUBSECTION, ANY TIME LOST BECAUSE OF A DELAY IN HOLDING A HEARING SHALL NOT BE COUNTED AS LOST TIME IF THE DELAY OCCURRED AT THE REQUEST OR DUE TO THE FAULT OF THE COVERED EMPLOYEE.

(C) COMPENSATION FOR DISABILITY.

IF A SPECIAL EXAMINATION SHOWS THAT A COVERED EMPLOYEE WHO SUFFERED FROM A COMPENSABLE HERNIA AND UNDERWENT SURGERY HAS A PERMANENT PARTIAL, PERMANENT TOTAL, OR TEMPORARY TOTAL DISABILITY RESULTING FROM THE OPERATION, THE EMPLOYER OR ITS INSURER SHALL PAY THE COVERED EMPLOYEE COMPENSATION FOR A PERMANENT PARTIAL, PERMANENT TOTAL, OR TEMPORARY TOTAL DISABILITY IN ACCORDANCE WITH THE APPLICABLE PART OF THIS SUBTITLE.

(D) DEATH BENEFITS.

IF A COVERED EMPLOYEE WHO SUFFERED A COMPENSABLE HERNIA DIES AS A RESULT OF SURGERY, THE DEATH SHALL BE CONSIDERED DEATH AS A RESULT OF THE ACCIDENTAL INJURY OR STRAIN THAT CAUSED THE HERNIA AND THE EMPLOYER OR ITS INSURER SHALL PROVIDE DEATH BENEFITS IN ACCORDANCE WITH PART XII OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36 (4)(b).

In subsection (a) of this section, the word "surgery" is substituted for the former words "surgical manner by operation", for brevity. In subsections (c) and (d) of this section, the word "surgery" is substituted for the former word "operation", for conformity with subsection (a) of this section.

In subsections (b)(1), (c), and (d) of this section, the reference to "the employer or its insurer" is added to clarify that the employer or its insurer is responsible for paying compensation under this title and to conform to other provisions of this subtitle.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that subsection (d) of this section provides that if a covered employee who suffered a compensable hernia dies as a result of surgery, the dependents of the covered employee are entitled to death benefits. Subsection (d) of this section does not provide, however, that if a covered employee dies as a result of a compensable hernia, the dependents of the covered employee are entitled to death benefits. The General Assembly may wish to clarify whether the dependents of a covered employee who dies as a result of a compensable hernia are entitled to death benefits.