

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 101, § 36(8)(c)(iv), (d) and, as it related to factors to be considered in determining whether employment is suitable gainful employment, (a)(ii).

In subsection (b)(2) of this section, the word "disability" is substituted for the former word "injury" to conform to § 9-672 of this Part XI of this subtitle, which requires a covered employee to be disabled to qualify for vocational rehabilitation services. Similarly, in subsection (b)(1) of this section, the word "predisability" is substituted for the former word "preinjury".

In subsection (c) of this section, the requirement that the note be "written" is added to conform to subsection (d)(1) of this section.

In subsection (d)(1) of this section, the word "contest" is substituted for the former word "controvert", for clarity.

Defined terms: "Commission" § 9-101

"Covered employee" § 9-101

"Suitable gainful employment" § 9-669

"Vocational rehabilitation services" § 9-669

9-674. PAYMENT OF EXPENSES, BENEFITS, MAINTENANCE, AND TRANSPORTATION COSTS.

(A) EXPENSE OF VOCATIONAL REHABILITATION ASSESSMENT AND VOCATIONAL REHABILITATION SERVICES.

THE EMPLOYER OR ITS INSURER SHALL PAY THE EXPENSES OF THE VOCATIONAL ASSESSMENT AND VOCATIONAL REHABILITATION SERVICES OF A COVERED EMPLOYEE.

(B) BENEFITS FOR TEMPORARY TOTAL DISABILITY.

(1) WHILE A COVERED EMPLOYEE IS RECEIVING VOCATIONAL REHABILITATION SERVICES, THE EMPLOYER OR ITS INSURER SHALL PAY COMPENSATION TO THE COVERED EMPLOYEE AS IF THE COVERED EMPLOYEE WAS TEMPORARILY TOTALLY DISABLED.

(2) IF A COVERED EMPLOYEE REFUSES TO ACCEPT VOCATIONAL REHABILITATION SERVICES IN ACCORDANCE WITH AN ORDER OF THE COMMISSION AND THE COMMISSION DETERMINES THE REFUSAL TO BE UNREASONABLE, PAYMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE FORFEITED FOR THE PERIOD OF REFUSAL.

(C) MAINTENANCE.

(1) IF A COVERED EMPLOYEE IS REQUIRED TO LIVE AWAY FROM HOME IN THE COURSE OF RECEIVING VOCATIONAL REHABILITATION SERVICES, THE EMPLOYER OR ITS INSURER SHALL PAY TO THE COVERED EMPLOYEE MONEY THAT IS: