

THIS SECTION DOES NOT APPLY TO A CLAIM INVOLVING A TEMPORARY DISABILITY.

(B) CONVERSION TO LUMP SUM.

IF THE COMMISSION FINDS THAT A LUMP-SUM PAYMENT IS WARRANTED UNDER THE FACTS AND CIRCUMSTANCES OF A CLAIM, THE COMMISSION MAY ORDER THAT COMPENSATION PAYABLE TO A COVERED EMPLOYEE OR THE DEPENDENTS OF A COVERED EMPLOYEE BE CONVERTED TO A PARTIAL OR TOTAL LUMP SUM.

(C) REDUCTION OF FUTURE PAYMENTS.

IF THE COMMISSION GRANTS A LUMP-SUM PAYMENT UNDER THIS SECTION IN A CLAIM INVOLVING PERMANENT TOTAL DISABILITY OR DEATH, THE COMMISSION SHALL:

(1) REDUCE THE WEEKLY RATE OF COMPENSATION UNTIL THE AMOUNT OF THE LUMP SUM WOULD HAVE BEEN PAID IF IT HAD BEEN PAID IN WEEKLY PAYMENTS; AND

(2) DETERMINE IN THE AWARD:

(I) THE DOLLAR AMOUNT AND THE NUMBER OF WEEKS TO BE PAID BY THE EMPLOYER OR ITS INSURER AT THE REDUCED WEEKLY RATE; AND

(II) IF PAYMENTS ARE MADE FROM THE SUBSEQUENT INJURY FUND, THE DOLLAR AMOUNT AND THE NUMBER OF WEEKS TO BE PAID BY THE SUBSEQUENT INJURY FUND AT THE REDUCED WEEKLY RATE.

(D) DISCOUNT PROHIBITED.

AN AWARD MAY NOT BE DISCOUNTED BECAUSE OF A LUMP-SUM PAYMENT.

REVISOR'S NOTE: This section is new language derived without substantive change from the first, fourth, and, except for the reference to former Art. 101, § 57, the third sentence of § 49.

In the introductory language of subsection (c) of this section, the former reference to "[former] § 36(1)(a) or (7)" is deleted in light of the reference to "permanent total disability or death".

Also in the introductory language of subsection (c) of this section, the words "by an employer or its insurance carrier or by the Subsequent Injury Fund" are deleted as surplusage.

The Labor and Employment Article Review Committee notes, for consideration by the General Assembly, that the Commission has discretion in deciding the amount by which the weekly rate of compensation shall be