

## Introduction to the December 2025 Edition

The December 2025 Edition of *Modern Workers Compensation* includes a complete update of existing sections. A few highlights are:

- A compliant employer's liability for a covered employee's work-related injury or death is limited to that found only within the Maryland Workers' Compensation Act itself and extends no further. Once a covered employee is injured or killed in the course of employment, the Act automatically becomes the sole means for recovery, regardless of whether a wrongful death action might otherwise be appropriate. § 102:1
- The Supreme Court of Rhode Island determined that there was no basis for resorting to the remedy of piercing the corporate veils of a facility owner and an asphalt company in order to hold their allegedly mutual owner liable on the asphalt company employee's negligence claim arising from an injury sustained when liquid asphalt was sprayed from a distribution truck while he was working at the facility, in view of the court's conclusion that the facility owner owed no duty to the employee, coupled with the fact that the asphalt company was statutorily immune by virtue of the Workers' Compensation Act. § 103:14
- A personnel leasing company and its workers' compensation insurer bear the burden of establishing that a claimant is not a leased employee covered by the underlying workers' compensation policy. Substantial evidence supported Workers' Compensation Board's finding that the claimant, who worked as carpenter, was not a leased/worksites employee of the professional employer organization that leased some employees to the claimant's employer and, therefore, was not covered under EO's workers' compensation policy. § 106:41
- Under Iowa law, the gross negligence exception to the exclusive remedy provision of the Workers' Compensation Act appears only in reference to co-employees, not in reference to employers, and this suggests that any claim for a work-related injury against an employer, such as for Covid-19, regardless of the type of claim, finds its remedy only through the workers' compensation system. § 109:65

- The acute worsening of infection of the claimant, who had knee surgery after having previously had knee surgery for a work-related injury, was unforeseen and constituted “emergency” that necessitated surgery prior to authorization from the claimant’s employer and workers’ compensation carrier, and thus substantial evidence supported the determination of the Workers’ Compensation Board that the claimant’s condition presented an emergency situation that obviated the need for prior authorization. § 202:16
- Sustaining a work-related injury does not automatically establish entitlement to workers’ compensation benefits for the claimed condition. Instead, the claimant must prove that the work-related injury is a major contributing cause of the claimed condition and need for treatment, and the worker has the burden to establish compensability. § 305:3