

HOUSE BILL 244

K1
HB 1154/07 – ECM

1lr1484

By: **Delegate Costa**
Introduced and read first time: January 31, 2011
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County – Workers’ Compensation – Occupational Disease –**
3 **Deputy Sheriffs**

4 FOR the purpose of extending the presumption of a compensable occupational disease
5 under workers’ compensation law to include Anne Arundel County deputy
6 sheriffs who suffer from heart disease or hypertension resulting in partial or
7 total disability or death under certain circumstances; requiring that workers’
8 compensation benefits received under this Act are in addition to certain
9 retirement benefits, subject to a certain adjustment; requiring certain Anne
10 Arundel County deputy sheriffs to submit certain medical reports to the Anne
11 Arundel County Sheriff on or before a certain date; clarifying language; and
12 generally relating to compensability under workers’ compensation law to
13 include Anne Arundel County deputy sheriffs.

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 9–503(b) and (e)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2010 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Labor and Employment**

22 9–503.

23 (b) (1) A paid police officer employed by an airport authority, a county,
24 the Maryland–National Capital Park and Planning Commission, a municipality, or the
25 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
26 subsection, a **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, deputy sheriff of

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 Baltimore City, Montgomery County correctional officer, Prince George's County
2 deputy sheriff, Prince George's County correctional officer, or [a] deputy sheriff of
3 Allegany County is presumed to be suffering from an occupational disease that was
4 suffered in the line of duty and is compensable under this title if:

5 (i) the police officer, deputy sheriff, or correctional officer is
6 suffering from heart disease or hypertension; and

7 (ii) the heart disease or hypertension results in partial or total
8 disability or death.

9 (2) (i) **A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, A**
10 deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince
11 George's County deputy sheriff, or Prince George's County correctional officer is
12 entitled to the presumption under this subsection only to the extent that the
13 individual suffers from heart disease or hypertension that is more severe than the
14 individual's heart disease or hypertension condition existing prior to the individual's
15 employment as a **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, deputy sheriff of
16 Baltimore City, Montgomery County correctional officer, Prince George's County
17 deputy sheriff, or Prince George's County correctional officer.

18 (ii) To be eligible for the presumption under this subsection, **A**
19 **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, a deputy sheriff of Baltimore City,
20 Montgomery County correctional officer, Prince George's County deputy sheriff, or
21 Prince George's County correctional officer, as a condition of employment, shall submit
22 to a medical examination to determine any heart disease or hypertension condition
23 existing prior to the individual's employment as a **DEPUTY SHERIFF OF ANNE**
24 **ARUNDEL COUNTY**, deputy sheriff of Baltimore City, Montgomery County
25 correctional officer, Prince George's County deputy sheriff, or Prince George's County
26 correctional officer.

27 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
28 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
29 Marshal, paid police officer, paid law enforcement employee of the Department of
30 Natural Resources, [a] **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, park police
31 officer or employee of the Maryland–National Capital Park and Planning Commission,
32 deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery
33 County correctional officer, deputy sheriff of Prince George's County, or Prince
34 George's County correctional officer who is eligible for benefits under subsection (a),
35 (b), (c), or (d) of this section or the dependents of those individuals shall receive the
36 benefits in addition to any benefits that the individual or the dependents of the
37 individual are entitled to receive under the retirement system in which the individual
38 was a participant at the time of the claim.

39 (2) The benefits received under this title shall be adjusted so that the
40 weekly total of those benefits and retirement benefits does not exceed the weekly
41 salary that was paid to the paid law enforcement employee of the Department of

1 Natural Resources, a park police officer or employee of the Maryland–National Capital
2 Park and Planning Commission, firefighter, fire fighting instructor, sworn member of
3 the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George’s
4 County or Montgomery County correctional officer.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
6 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section
7 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or before
8 September 30, 2011:

9 (1) as a condition of continued employment, shall provide to the Anne
10 Arundel County Sheriff on or before December 31, 2011, a copy of a baseline medical
11 report disclosing and describing any existing heart disease or hypertension from which
12 the deputy sheriff may be suffering; and

13 (2) is entitled to the presumption under § 9–503(b)(2) of the Labor and
14 Employment Article, as enacted by Section 1 of this Act, only to the extent that the
15 individual suffers from heart disease or hypertension condition existing as of the date
16 of the medical report provided under paragraph (1) of this section.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2011.