

# HOUSE BILL 244

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HB 1154/07 – ECM

11r1484

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By: ~~Delegate Costa~~ Anne Arundel County Delegation

Introduced and read first time: January 31, 2011

Assigned to: Economic Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

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## CHAPTER \_\_\_\_\_

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**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 9–503.

2 (b) (1) A paid police officer employed by an airport authority, a county,  
3 the Maryland–National Capital Park and Planning Commission, a municipality, or the  
4 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
5 subsection, a **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, deputy sheriff of  
6 Baltimore City, Montgomery County correctional officer, Prince George’s County  
7 deputy sheriff, Prince George’s County correctional officer, or [a] deputy sheriff of  
8 Allegany County is presumed to be suffering from an occupational disease that was  
9 suffered in the line of duty and is compensable under this title if:

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

12 (ii) the heart disease or hypertension results in partial or total  
13 disability or death.

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

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

32 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
33 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
34 Marshal, paid police officer, paid law enforcement employee of the Department of  
35 Natural Resources, [a] **DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY**, park police  
36 officer or employee of the Maryland–National Capital Park and Planning Commission,  
37 deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery  
38 County correctional officer, deputy sheriff of Prince George’s County, or Prince  
39 George’s County correctional officer who is eligible for benefits under subsection (a),  
40 (b), (c), or (d) of this section or the dependents of those individuals shall receive the

1 benefits in addition to any benefits that the individual or the dependents of the  
2 individual are entitled to receive under the retirement system in which the individual  
3 was a participant at the time of the claim.

4 (2) The benefits received under this title shall be adjusted so that the  
5 weekly total of those benefits and retirement benefits does not exceed the weekly  
6 salary that was paid to the paid law enforcement employee of the Department of  
7 Natural Resources, a park police officer or employee of the Maryland–National Capital  
8 Park and Planning Commission, firefighter, fire fighting instructor, sworn member of  
9 the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George’s  
10 County or Montgomery County correctional officer.

11 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
12 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section  
13 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or before  
14 September 30, 2011:

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

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

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

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.