

HOUSE BILL 873

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By: **Delegates Cluster, DeBoy, and McDermott**

Introduced and read first time: February 7, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Public Safety Employees**

3 FOR the purpose of providing that an occupational disease presumption applies to
4 certain deputy sheriffs who develop heart disease and hypertension under
5 certain circumstances; providing for enhanced workers' compensation benefits
6 for certain deputy sheriffs for a compensable permanent partial disability of less
7 than a certain number of weeks; providing for the application of this Act;
8 making certain stylistic changes; and generally relating to workers'
9 compensation benefits for deputy sheriffs.

10 BY repealing

11 Article – Labor and Employment

12 Section 9–503(b)

13 Annotated Code of Maryland

14 (2008 Replacement Volume and 2012 Supplement)

15 BY adding to

16 Article – Labor and Employment

17 Section 9–503(b)

18 Annotated Code of Maryland

19 (2008 Replacement Volume and 2012 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Labor and Employment

22 Section 9–628(a)

23 Annotated Code of Maryland

24 (2008 Replacement Volume and 2012 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Labor and Employment

27 Section 9–628(h) and 9–629

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2008 Replacement Volume and 2012 Supplement)

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

5 **Article – Labor and Employment**

6 9–503.

7 [(b) (1) A paid police officer employed by an airport authority, a county,
8 the Maryland–National Capital Park and Planning Commission, a municipality, or the
9 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
10 subsection, a deputy sheriff of Anne Arundel County, deputy sheriff of Baltimore City,
11 Montgomery County correctional officer, Prince George’s County deputy sheriff, Prince
12 George’s County correctional officer, or deputy sheriff of Allegany County is presumed
13 to be suffering from an occupational disease that was suffered in the line of duty and is
14 compensable under this title if:

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

17 (ii) the heart disease or hypertension results in partial or total
18 disability or death.

19 (2) (i) A deputy sheriff of Anne Arundel County, a deputy sheriff of
20 Baltimore City, Montgomery County correctional officer, Prince George’s County
21 deputy sheriff, or Prince George’s County correctional officer is entitled to the
22 presumption under this subsection only to the extent that the individual suffers from
23 heart disease or hypertension that is more severe than the individual’s heart disease
24 or hypertension condition existing prior to the individual’s employment as a deputy
25 sheriff of Anne Arundel County, deputy sheriff of Baltimore City, Montgomery County
26 correctional officer, Prince George’s County deputy sheriff, or Prince George’s County
27 correctional officer.

28 (ii) To be eligible for the presumption under this subsection, a
29 deputy sheriff of Anne Arundel County, a deputy sheriff of Baltimore City,
30 Montgomery County correctional officer, Prince George’s County deputy sheriff, or
31 Prince George’s County correctional officer, as a condition of employment, shall submit
32 to a medical examination to determine any heart disease or hypertension condition
33 existing prior to the individual’s employment as a deputy sheriff of Anne Arundel
34 County, deputy sheriff of Baltimore City, Montgomery County correctional officer,
35 Prince George’s County deputy sheriff, or Prince George’s County correctional officer.]

36 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN**
37 **INDIVIDUAL IS PRESUMED TO SUFFER FROM AN OCCUPATIONAL DISEASE THAT**

1 WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE
2 IF:

3 (I) THE INDIVIDUAL IS:

4 1. A PAID POLICE OFFICER EMPLOYED BY AN
5 AIRPORT AUTHORITY, A COUNTY, THE MARYLAND-NATIONAL CAPITAL PARK
6 AND PLANNING COMMISSION, A MUNICIPALITY, OR THE STATE;

7 2. A DEPUTY SHERIFF; OR

8 3. A CORRECTIONAL OFFICER EMPLOYED BY
9 MONTGOMERY COUNTY OR PRINCE GEORGE'S COUNTY;

10 (II) THE POLICE OFFICER, DEPUTY SHERIFF, OR
11 CORRECTIONAL OFFICER IS SUFFERING FROM HEART DISEASE OR
12 HYPERTENSION; AND

13 (III) THE HEART DISEASE OR HYPERTENSION RESULTS IN
14 PARTIAL OR TOTAL DISABILITY OR DEATH.

15 (2) A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, A DEPUTY
16 SHERIFF OF BALTIMORE CITY, A MONTGOMERY COUNTY CORRECTIONAL
17 OFFICER, A PRINCE GEORGE'S COUNTY DEPUTY SHERIFF, OR A PRINCE
18 GEORGE'S COUNTY CORRECTIONAL OFFICER:

19 (I) IS ENTITLED TO THE PRESUMPTION UNDER THIS
20 SUBSECTION ONLY TO THE EXTENT THAT THE INDIVIDUAL SUFFERS FROM
21 HEART DISEASE OR HYPERTENSION THAT IS MORE SEVERE THAN THE
22 INDIVIDUAL'S HEART DISEASE OR HYPERTENSION CONDITION EXISTING PRIOR
23 TO THE INDIVIDUAL'S EMPLOYMENT IN THAT POSITION; AND

24 (II) AS A CONDITION OF EMPLOYMENT, SHALL SUBMIT TO A
25 MEDICAL EXAMINATION TO DETERMINE ANY HEART DISEASE OR HYPERTENSION
26 CONDITION EXISTING PRIOR TO THE INDIVIDUAL'S EMPLOYMENT IN THAT
27 POSITION.

28 9-628.

29 (a) In this section, "public safety employee" means:

30 (1) a firefighter, fire fighting instructor, or paramedic employed by:

31 (i) a municipal corporation;

1 (ii) a county;

2 (iii) the State;

3 (iv) the State Airport Authority; or

4 (v) a fire control district;

5 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced
6 life support worker who is a covered employee under § 9–234 of this title and who
7 provides volunteer fire or rescue services to:

8 (i) a municipal corporation;

9 (ii) a county;

10 (iii) the State;

11 (iv) the State Airport Authority; or

12 (v) a fire control district;

13 (3) a police officer employed by:

14 (i) a municipal corporation;

15 (ii) a county;

16 (iii) the State;

17 (iv) the State Airport Authority;

18 (v) the Maryland–National Capital Park and Planning
19 Commission; or

20 (vi) the Washington Metropolitan Area Transit Authority;

21 (4) a [Prince George’s County] deputy sheriff; or

22 **(5) A correctional officer[;] EMPLOYED BY:**

23 **(I) PRINCE GEORGE’S COUNTY;**

24 **[(5)] (II) [a] Montgomery County [deputy sheriff or correctional**
25 **officer]; OR**

1 ~~[(6)]~~ **(III)** ~~[an]~~ Allegany County ~~[deputy sheriff; or~~

2 (7) a Howard County deputy sheriff, but only when the deputy sheriff
3 is performing law enforcement duties expressly requested, defined, and authorized in
4 accordance with a written memorandum of understanding executed between the
5 Howard County Sheriff and other law enforcement agencies].

6 (h) If a public safety employee is awarded compensation for less than 75
7 weeks, the employer or its insurer shall pay the public safety employee compensation
8 at the rate set for an award of compensation for a period greater than or equal to 75
9 weeks but less than 250 weeks under § 9-629 of this subtitle.

10 9-629.

11 If a covered employee is awarded compensation for a period equal to or greater
12 than 75 weeks but less than 250 weeks, the employer or its insurer shall pay the
13 covered employee weekly compensation that equals two-thirds of the average weekly
14 wage of the covered employee but does not exceed one-third of the State average
15 weekly wage.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
17 construed to apply only prospectively and may not be applied or interpreted to have
18 any effect on or application to any claims arising before the effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2013.