

HOUSE BILL 1256

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By: **Delegate Rosenberg**

Introduced and read first time: February 8, 2013

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease – Post-Traumatic Stress**
3 **Disorder**

4 FOR the purpose of creating a presumption that a first responder suffering from
5 post-traumatic stress disorder is suffering from a certain occupational disease
6 and is compensable under certain circumstances; providing that a certain
7 employee who is eligible for benefits under this Act or that employee's
8 dependents shall receive the benefits in addition to certain retirement benefits;
9 defining a certain term; providing for the application of this Act; and generally
10 relating to workers' compensation.

11 BY adding to
12 Article – Labor and Employment
13 Section 9–503(e)
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2012 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 9–503(e)
19 Annotated Code of Maryland
20 (2008 Replacement Volume and 2012 Supplement)

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

23 **Article – Labor and Employment**

24 9–503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(E) (1) “FIRST RESPONDER” MEANS:**

2 **(I) A FIREFIGHTER;**

3 **(II) AN EMERGENCY MEDICAL TECHNICIAN;**

4 **(III) A RESCUE SQUAD MEMBER;**

5 **(IV) A LAW ENFORCEMENT OFFICER;**

6 **(V) A CORRECTIONAL OFFICER;**

7 **(VI) A SWORN MEMBER OF THE STATE FIRE MARSHAL’S**
8 **OFFICE; OR**

9 **(VII) A MEMBER OF A VOLUNTEER COMPANY WHO IS A**
10 **COVERED EMPLOYEE UNDER § 9-234 OF THIS TITLE.**

11 **(2) A FIRST RESPONDER IS PRESUMED TO BE SUFFERING FROM**
12 **AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS**
13 **COMPENSABLE UNDER THIS TITLE IF:**

14 **(I) THE FIRST RESPONDER IS SUFFERING FROM**
15 **POST-TRAUMATIC STRESS DISORDER;**

16 **(II) THE POST-TRAUMATIC STRESS DISORDER IS**
17 **DIAGNOSED BY A LICENSED PSYCHIATRIST OR LICENSED PSYCHOLOGIST;**

18 **(III) THE PSYCHIATRIST OR PSYCHOLOGIST DETERMINED**
19 **THAT THE POST-TRAUMATIC STRESS DISORDER DIRECTLY RESULTED FROM**
20 **THE FIRST RESPONDER’S DUTIES; AND**

21 **(IV) AS A RESULT OF THE POST-TRAUMATIC STRESS**
22 **DISORDER, THE FIRST RESPONDER IS UNABLE TO PERFORM THE NORMAL**
23 **DUTIES OF A FIRST RESPONDER.**

24 **[(e)] (F) (1)** Except as provided in paragraph (2) of this subsection, any
25 paid firefighter, paid fire fighting instructor, sworn member of the Office of the State
26 Fire Marshal, paid police officer, paid law enforcement employee of the Department of
27 Natural Resources, deputy sheriff of Anne Arundel County, park police officer or
28 employee of the Maryland–National Capital Park and Planning Commission, deputy
29 sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County
30 correctional officer, deputy sheriff of Prince George’s County, or Prince George’s
31 County correctional officer who is eligible for benefits under subsection (a), (b), (c), [or]

1 (d), **OR (E)** of this section or the dependents of those individuals shall receive the
2 benefits in addition to any benefits that the individual or the dependents of the
3 individual are entitled to receive under the retirement system in which the individual
4 was a participant at the time of the claim.

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

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
13 construed to apply only prospectively and may not be applied or interpreted to have
14 any effect on or application to any claims arising from events occurring before the
15 effective date of this Act.

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