

SENATE BILL 1023

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By: **Senator Edwards**

Introduced and read first time: February 13, 2014

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Heart Disease and Hypertension Presumption –**
3 **Allegany County Correctional Officers**

4 FOR the purpose of extending the presumption of compensability under the workers'
5 compensation law to include, subject to certain conditions, Allegany County
6 correctional officers who suffer from heart disease or hypertension resulting in
7 partial or total disability or death; requiring Allegany County correctional
8 officers to submit certain medical disclosures to a certain official; providing that,
9 subject to a certain limitation, workers' compensation benefits received under
10 this Act are in addition to certain retirement benefits; altering the definition of
11 "public safety employee" to include Allegany County correctional officers for the
12 purposes of determining certain compensation; providing for the application of
13 certain provisions of this Act; and generally relating to compensability of
14 Allegany County correctional officers under the workers' compensation law.

15 BY repealing and reenacting, with amendments,
16 Article – Labor and Employment
17 Section 9–503(b) and (e) and 9–628(a)
18 Annotated Code of Maryland
19 (2008 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Labor and Employment
22 Section 9–628(h)
23 Annotated Code of Maryland
24 (2008 Replacement Volume and 2013 Supplement)

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

27 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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 Baltimore City,
6 Montgomery County correctional officer, Prince George’s County deputy sheriff, Prince
7 George’s County correctional officer, or deputy sheriff **OR CORRECTIONAL OFFICER**
8 of 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] deputy sheriff
15 of Baltimore City, Montgomery County correctional officer, Prince George’s County
16 deputy sheriff, [or] Prince George’s County correctional officer, **OR ALLEGANY**
17 **COUNTY CORRECTIONAL OFFICER** is entitled to the presumption under this
18 subsection only to the extent that the individual suffers from heart disease or
19 hypertension that is more severe than the individual’s heart disease or hypertension
20 condition existing prior to the individual’s employment as a deputy sheriff of Anne
21 Arundel County, deputy sheriff of Baltimore City, Montgomery County correctional
22 officer, Prince George’s County deputy sheriff, [or] Prince George’s County correctional
23 officer, **OR ALLEGANY COUNTY CORRECTIONAL OFFICER**.

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

34 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
35 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
36 Marshal, paid police officer, paid law enforcement employee of the Department of
37 Natural Resources, deputy sheriff of Anne Arundel County, park police officer or
38 employee of the Maryland–National Capital Park and Planning Commission, deputy
39 sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County

1 correctional officer, deputy sheriff of Prince George’s County, [or] Prince George’s
2 County correctional officer, **OR ALLEGANY COUNTY CORRECTIONAL OFFICER** who
3 is eligible for benefits under subsection (a), (b), (c), or (d) of this section or the
4 dependents of those individuals shall receive the benefits in addition to any benefits
5 that the individual or the dependents of the individual are entitled to receive under
6 the retirement system in which the individual was a participant at the time of the
7 claim.

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

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
17 read as follows:

18 Article – Labor and Employment

19 9–628.

20 (a) In this section, “public safety employee” means:

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

22 (i) a municipal corporation;

23 (ii) a county;

24 (iii) the State;

25 (iv) the State Airport Authority; or

26 (v) a fire control district;

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

30 (i) a municipal corporation;

31 (ii) a county;

32 (iii) the State;

- 1 (iv) the State Airport Authority; or
- 2 (v) a fire control district;
- 3 (3) a police officer employed by:
- 4 (i) a municipal corporation;
- 5 (ii) a county;
- 6 (iii) the State;
- 7 (iv) the State Airport Authority;
- 8 (v) the Maryland–National Capital Park and Planning
9 Commission; or
- 10 (vi) the Washington Metropolitan Area Transit Authority;
- 11 (4) a Prince George’s County deputy sheriff or correctional officer;
- 12 (5) a Montgomery County deputy sheriff or correctional officer;
- 13 (6) an Allegany County deputy sheriff **OR CORRECTIONAL OFFICER**;
- 14 (7) a Howard County deputy sheriff, but only when the deputy sheriff
15 is performing law enforcement duties expressly requested, defined, and authorized in
16 accordance with a written memorandum of understanding executed between the
17 Howard County Sheriff and other law enforcement agencies; or
- 18 (8) an Anne Arundel County deputy sheriff.

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

23 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
24 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section
25 1 of this Act, an Allegany County correctional officer who is employed on or before
26 September 30, 2014:

27 (1) As a condition of continued employment shall provide to the
28 Allegany County Sheriff on or before December 31, 2014, a copy of a medical report
29 disclosing and describing any existing heart disease or hypertension from which the
30 correctional officer may be suffering; and

1 (2) Is entitled to the presumption under § 9–503(b) of the Labor and
2 Employment Article, as enacted by Section 1 of this Act, only to the extent that the
3 individual suffers from heart disease or hypertension that is more severe than the
4 individual’s heart disease or hypertension condition existing as of the date of the
5 medical report provided under item (1) of this section.

6 SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
7 be construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any claims arising from events occurring before the
9 effective date of this Act.

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2014.