

# HOUSE BILL 563

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HB 411/14 – ECM

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By: **Delegates Buckel, Barkley, Beitzel, Frick, Glass, Glenn, Haynes, Hornberger, Jackson, McKay, Metzgar, Shoemaker, Vaughn, Waldstreicher, and B. Wilson**

Introduced and read first time: February 11, 2015  
Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

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

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

14 BY repealing and reenacting, with amendments,  
15 Article – Labor and Employment  
16 Section 9–503(b) and (e) and 9–628(a)  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2014 Supplement)

19 BY repealing and reenacting, without amendments,  
20 Article – Labor and Employment  
21 Section 9–628(h)  
22 Annotated Code of Maryland  
23 (2008 Replacement Volume and 2014 Supplement)

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

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



## Article – Labor and Employment

9–503.

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

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

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

(2) (i) A deputy sheriff of Anne Arundel County, [a] deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George’s County deputy sheriff, [or] Prince George’s County correctional officer, **OR STATE CORRECTIONAL OFFICER** is entitled to the presumption under this subsection only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual’s heart disease or hypertension condition existing prior to the individual’s employment as a deputy sheriff of Anne Arundel County, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George’s County deputy sheriff, [or] Prince George’s County correctional officer, **OR STATE CORRECTIONAL OFFICER**.

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

(e) (1) Except as provided in paragraph (2) of this subsection, any paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne Arundel County, park police officer or employee of the Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George’s County, [or] Prince George’s County correctional officer, **OR**

1 **STATE CORRECTIONAL OFFICER** who is eligible for benefits under subsection (a), (b), (c),  
2 or (d) of this section or the dependents of those individuals shall receive the benefits in  
3 addition to any benefits that the individual or the dependents of the individual are entitled  
4 to receive under the retirement system in which the individual was a participant at the  
5 time of the claim.

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

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

15 **Article – Labor and Employment**

16 9–628.

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

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

19 (i) a municipal corporation;

20 (ii) a county;

21 (iii) the State;

22 (iv) the State Airport Authority; or

23 (v) a fire control district;

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

27 (i) a municipal corporation;

28 (ii) a county;

29 (iii) the State;

30 (iv) the State Airport Authority; or

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

19 (h) If a public safety employee is awarded compensation for less than 75 weeks,

20 the employer or its insurer shall pay the public safety employee compensation at the rate

21 set for an award of compensation for a period greater than or equal to 75 weeks but less

22 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, a State correctional officer

25 who is employed on or before September 30, 2015:

26 (1) As a condition of continued employment shall provide to the Secretary

27 of Public Safety and Correctional Services, or the Secretary’s designee, on or before

28 December 31, 2015, a copy of a medical report disclosing and describing any existing heart

29 disease or hypertension from which the correctional officer may be suffering; and

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

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

9           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2015.