

SB 90_Testimony.pdf

Uploaded by: Pamela Beidle

Position: FAV

PAMELA G. BEIDLE
Legislative District 32
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Chair, Finance Committee

Executive Nominations Committee

Joint Committee on Gaming Oversight

Joint Committee on Management
of Public Funds

Spending Affordability Committee



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

March 10, 2026

SB 90
Workers' Compensation
Occupational Disease Presumptions – Hypertension

Good afternoon Vice Chair Hayes and Members of the Finance Committee:

Thank you for the opportunity to present Senate Bill 90, Workers' Compensation – Occupational Disease Presumptions – Hypertension. SB 90 addresses a real problem affecting firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and members of the Office of the State Fire Marshal suffering from hypertension.

Our firefighters do not miss work, or in some circumstances, not enough work due to hypertension thus causing their workers' compensation claims related to hypertension to be denied. This bill helps close the loophole created by advances in hypertension medication and screening and will help ensure that firefighters and other first responders will be able to access the care they need through workers' comp.

SB 90 establishes that certain firefighters and other first responders are presumed to have an occupational disease suffered in the line of duty, *and are presumed to be disabled*, if the individual:

- has been diagnosed with hypertension,
- has been prescribed medication to treat that hypertension for at least 90 days,
- has served in their role for at least 2 years, and
- are still serving at the time their claim is filed.

The presumption of disability is a critical component of the bill because what we are seeing is that Commissioners in workers' compensation hearings are determining that because some first responders are not missing work, or not missing enough work, they are not partially or totally disabled, which is a requirement for the hypertension presumption under current law.

Our firefighters serve us daily in the most dangerous of situations, I respectfully request a "Favorable Report" on Senate Bill 90.

SB90_PROPOSED AMENDMENTS FROM MDC

Uploaded by: Julie Murray

Position: FWA

SENATE BILL 90

Proposed Amendments – Maryland Defense Counsel

Article – Labor and Employment

9-503

(2) (I) A PAID FIREFIGHTER, PAID FIRE FIGHTING INSTRUCTOR, PAID RESCUE SQUAD MEMBER, PAID ADVANCED LIFE SUPPORT UNIT MEMBER, OR SWORN MEMBER OF THE OFFICE OF THE STATE FIRE MARSHAL EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE IS PRESUMED TO HAVE AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE AND IS PRESUMED TO BE DISABLED UNDER § 9-502 OF THIS SUBTITLE IF THE INDIVIDUAL:

1. HAS BEEN DIAGNOSED WITH HYPERTENSION BY AN AUTHORIZED PROVIDER AS DEFINED IN REGULATIONS ADOPTED BY THE COMMISSION;

2. HAS BEEN PRESCRIBED MEDICATION TO TREAT HYPERTENSION FOR AT LEAST 90 CONSECUTIVE DAYS;

3. HAS COMPLETED AT LEAST 2 YEARS OF CUMULATIVE SERVICE WITHIN THE STATE AS A PAID FIREFIGHTER, PAID FIRE FIGHTING INSTRUCTOR, PAID RESCUE SQUAD MEMBER, PAID ADVANCED LIFE SUPPORT UNIT MEMBER, OR SWORN MEMBER OF THE OFFICE OF THE STATE FIRE MARSHAL EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE; ~~AND~~

4. **HAS FILED A CLAIM APPLICATION WITHIN 2 YEARS OF THE 90TH CONSECUTIVE DAY OF BEING PRESCRIBED MEDICATION AND TAKING MEDICATION FOR THE TREATMENT OF HYPERTENSION; AND**

5. AT THE TIME OF CLAIM APPLICATION, IS EMPLOYED AS A PAID FIREFIGHTER, PAID FIRE FIGHTING INSTRUCTOR, PAID RESCUE SQUAD MEMBER, PAID ADVANCED LIFE SUPPORT UNIT MEMBER, OR SWORN MEMBER OF THE OFFICE OF THE STATE FIRE MARSHAL EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A MUNICIPALITY, OR THE STATE.

(II) AN INDIVIDUAL WHO QUALIFIES FOR COMPENSATION UNDER THIS PARAGRAPH MAY NOT BE ELIGIBLE TO RECEIVE DISABILITY RETIREMENT BENEFITS ON THE BASIS OF THE SAME CONDITION.

(III) AN INDIVIDUAL WHO HAS HEART DISEASE OR LUNG DISEASE UNDER PARAGRAPH (1) OF THIS SUBSECTION MUST FILE A SEPARATE CLAIM APPLICATION FOR WORKERS' COMPENSATION.

(IV) THIS PARAGRAPH DOES NOT PROHIBIT AN INDIVIDUAL FROM FILING A SEPARATE CLAIM UNDER PARAGRAPH (1) OF THIS SUBSECTION **SO LONG AS THE INDIVIDUAL DOES NOT RECEIVE DUPLICATIVE BENEFITS FOR THE OCCUPATIONAL DISEASE.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Letter of Support for SB0090.pdf

Uploaded by: Mike McKay

Position: FWA

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



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THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Joint Committees
Administrative, Executive,
and Legislative Review
Children, Youth, and Families
Program Open Space and Agricultural
Land Preservation

Williamsport Office
2N Conococheque Street
Williamsport Town Hall
Williamsport, Maryland

March 6, 2026

RE: Fire/EMS Coalition Support with Amendments for SB0090

Dear Chair Beidle, Vice Chair Hayes, and Members of the Committee,

The Fire/EMS Coalition would like to express their support with amendments for **House Bill 90: Workers' Compensation - Occupational Disease Presumptions - Hypertension**. This bill will establish that certain firefighters, fire fighting instructors, rescue squad members, advanced life support unit members, and members of the Office of the State Fire Marshal suffering from hypertension are presumed to have an occupational disease that is compensable under workers' compensation law and are presumed to be disabled if certain requirements are met; etc.

The Fire/EMS Coalition urges a favorable report.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Mike McKay'.

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

Voting Organizations:

Maryland Fire Chief's Association (MFCA)
Maryland State Firefighter's Association (MSFA)
State Fire Marshal (OSFM)
Maryland Fire Rescue Institute (MFRI)
Maryland Institute for Emergency Medical Services System (MIEMMS)
Metro Fire Chief's Association
Professional Firefighters of Maryland

Our Mission Statement

The Maryland Fire/EMS Coalition unites Republicans and Democrats in support of fire/emergency services legislation that benefit all first responders. Becoming a member does not require taking positions on legislation; rather Coalition members are asked to offer support in a way that best benefits fire/emergency services in their respective Legislative Districts.

NAMIC Letter Opposing SB 90.pdf

Uploaded by: Gina Rotunno

Position: UNF

March 6, 2026

The Honorable Pamela Beidle, Chair
Senate Finance Committee
3 East Miller Senate Office Building
Annapolis, Maryland 21401

Re: NAMIC Opposition to SB 90 - Workers' Compensation - Occupational Disease Presumptions - Hypertension

Chair Beidle and Members of the Committee,

Thank you for the opportunity to provide written testimony on Senate Bill 90 - Workers' Compensation - Occupational Disease Presumptions - Hypertension. On behalf of the National Association of Mutual Insurance Companies (NAMIC), we must respectfully oppose SB 90 and request an unfavorable report.

The National Association of Mutual Insurance Companies (NAMIC) is the foremost trade association representing the property/casualty insurance industry. Serving more than 1,300 member companies—including local and regional insurers as well as some of the nation's largest carriers—NAMIC members collectively write \$467 billion in annual premiums, representing 61% of the homeowners and 53% of the automobile insurance markets. For more than 130 years, NAMIC has been the leading voice advancing public policy solutions and regulatory frameworks that promote a strong, competitive market and protect our members and their policyholders.

As drafted, the bill creates a new presumption for hypertension that is significantly easier to trigger than existing law. Once a worker meets the criteria, including diagnosis, 90 days of medication, two years of service, and current employment, both occupational disease and disablement are presumed. This substantially limits the ability to assess causation and reduces the applicability of "ordinary disease of life" defenses.

Additionally, by allowing hypertension claims under the new provision while maintaining existing presumptions for heart and lung disease, the bill may open the door to multiple overlapping claims for related conditions. This could create complex questions of apportionment across conditions and potentially across carriers. We are also concerned about the broad regulatory definition of an "authorized provider," which may introduce ambiguity into the claims process.

While we fully respect and value the vital work of fire and rescue personnel, these changes could materially increase workers' compensation costs, requiring close monitoring of rate impacts and claim trends across the system.

For these reasons, we must respectfully oppose Senate Bill 90.

Sincerely,



Gina Rotunno
Regional Vice President, Mid-Atlantic

SB0090-FIN_MACo_OPP.pdf

Uploaded by: Karrington Anderson

Position: UNF



Senate Bill 90

Workers' Compensation - Occupational Disease Presumptions - Hypertension

MACo Position: **OPPOSE**

To: Finance Committee

Date: March 10, 2026

From: Karrington Anderson

The Maryland Association of Counties (MACo) **OPPOSES** SB 90. This bill would significantly expand existing workers' compensation presumptions for paid firefighters, EMTs, and paramedics diagnosed with hypertension by presuming not only compensability, but also disablement. Overlaid upon Maryland's current statutes and case law, this proposal represents a consequential and costly change in workers' compensation policy.

SB 90 would eliminate the need to demonstrate actual disablement for certain public safety employees. Instead, the bill provides that a paid firefighter, EMT, or paramedic who has (1) been diagnosed with hypertension by an authorized provider, (2) been prescribed medication to treat hypertension within the previous 90 days, (3) completed at least two years of cumulative service, and (4) are still employed in that paid position at the time of filing the claim, would qualify under a presumption that effectively encompasses both occupational causation and disability.

This is a significant departure from current law. Hypertension is a common and widespread condition influenced by a range of non-occupational factors, including age, genetics, diet, and lifestyle. It is also common for individuals to be prescribed medication as a precautionary or maintenance measure. In many instances, a physician may adjust medication or recommend a brief period away from work, circumstances that can already qualify as a disablement under the existing statute. SB 90 goes substantially further by presuming disablement based solely on at least two years of service, diagnosis, and medication use, regardless of whether the individual is unable to perform job duties.

By lowering the threshold in this manner, the bill would likely result in a substantial increase in workers' compensation claims. The burden would shift to counties to disprove the occupational connection of a condition that is prevalent in the general population and often develops over time. Given the strong legal weight afforded to statutory presumptions, such claims can be exceedingly difficult to rebut. Increased claims would translate into higher workers' compensation costs, including long-term medical benefits and indemnity payments, further constraining the already limited resources for essential county services.

MACo has consistently expressed concerns regarding expansions of workers' compensation presumptions. Presumptions require public employers to compensate claims without clear evidence linking the condition to workplace exposure and reduce the ability to fairly evaluate individual circumstances. SB 90 would further exacerbate this imbalance by presuming disability in addition to occupational causation. For these reasons, MACo requests an **UNFAVORABLE** report on SB 90.

SB 90 WC Hypertension Presumption UNF APICA 0226

Uploaded by: Nancy Egan

Position: UNF



Testimony of

American Property Casualty Insurance Association (APCIA)

Senate Finance Committee

Senate Bill 90 - Workers' Compensation – Occupational Disease Presumptions – Hypertension

March 10, 2026

Unfavorable

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 89.1% percent of Maryland’s workers’ compensation market written in the private marketplace. APCIA appreciates the opportunity to provide written comments in opposition to Senate Bill 90.

This bill expands the workers’ compensation occupational disease presumption for specified public safety employees (generally firefighters) who have hypertension by deleting the current requirement in section 9-503(a)(1)((I)(2) that the hypertension resulted in partial or total disability or death. Essentially the bill is allowing recovery as a compensable occupational disease for all hypertension claims of specified first responders, even those with no connection to the scope of employment and without any partial or total disability. This is poor public policy, particularly for a no-fault system such as workers' compensation. There should be some proof and evidence required that the hypertension resulted in disability and took place within the course and scope of employment.

The bill would presume any specified first responder with a systolic that exceeds 140 MM HG or a diastolic that exceeds 90 MM HG has a compensable occupational disease without any proof of work-relatedness or of a partial or total disability. Such a specified first responder would qualify for a compensable occupational disease and benefits under the workers' compensation law upon a mere showing of a 90 day prescription for hypertension. The bill essentially converts workers' compensation, a no-fault system to reimburse injured workers for injuries and diseases resulting from the workplace, into a health insurance and disability policy—with no proof of disability or a work-related disease required.

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 90.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

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