
By: Delegates Minnick and Malone

Introduced and read first time: February 7, 1996

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County - Workers' Compensation - Deputy Sheriffs - Presumption**

3 FOR the purpose of extending a presumption of compensability under the workers'
4 compensation law to include, subject to certain conditions, deputy sheriffs in
5 Baltimore County who suffer from heart disease or hypertension resulting in partial
6 or total disability or death; providing that, subject to a certain limitation, workers'
7 compensation benefits received under this Act are in addition to certain retirement
8 benefits; providing for the application of the Act to a deputy sheriff of Baltimore
9 County who is employed on or before a certain date; and generally relating to
10 workers' compensation for deputy sheriffs in Baltimore County.

11 BY repealing and reenacting, with amendments,
12 Article - Labor and Employment
13 Section 9-503(b) and (d)
14 Annotated Code of Maryland
15 (1991 Volume and 1995 Supplement)

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

18 **Article - Labor and Employment**

19 9-503.

20 (b) (1) A paid police officer employed by an airport authority, a county, the
21 Maryland-National Capital Park and Planning Commission, a municipality, or the State
22 or, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, a Montgomery County OR
23 BALTIMORE COUNTY deputy sheriff is presumed to be suffering from an occupational
24 disease that was suffered in the line of duty and is compensable under this title if:

25 [(1)] (I) the police officer or deputy sheriff is suffering from heart disease
26 or hypertension; and

27 [(2)] (II) the heart disease or hypertension results in partial or total
28 disability or death.

29 (2) (I) A DEPUTY SHERIFF OF BALTIMORE COUNTY IS ENTITLED TO
30 THE PRESUMPTION UNDER THIS SUBSECTION ONLY TO THE EXTENT THAT THE

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1 INDIVIDUAL SUFFERS FROM HEART DISEASE OR HYPERTENSION THAT IS MORE
2 SEVERE THAN THE INDIVIDUAL'S HEART DISEASE OR HYPERTENSION CONDITION
3 EXISTING BEFORE THE INDIVIDUAL'S EMPLOYMENT AS A DEPUTY SHERIFF OF
4 BALTIMORE COUNTY.

5 (II) TO BE ELIGIBLE FOR THE PRESUMPTION UNDER THIS
6 SUBSECTION, A DEPUTY SHERIFF OF BALTIMORE COUNTY, AS A CONDITION OF
7 EMPLOYMENT, SHALL SUBMIT TO A MEDICAL EXAMINATION TO DETERMINE ANY
8 HEART DISEASE OR HYPERTENSION CONDITION EXISTING BEFORE THE
9 INDIVIDUAL'S EMPLOYMENT AS A DEPUTY SHERIFF OF BALTIMORE COUNTY.

10 (d) (1) Except as provided in paragraph (2) of this [subtitle] SUBSECTION, any
11 paid fire fighter, paid fire fighting instructor, paid police officer, or any Montgomery
12 County OR BALTIMORE COUNTY deputy sheriff who is eligible for benefits under
13 subsection (a), (b), or (c) of this section shall receive the benefits in addition to any
14 benefits that the individual is entitled to receive under the retirement system in which the
15 individual was a participant at the time of the claim.

16 (2) The benefits received under this title shall be adjusted sothat the weekly
17 total of those benefits and retirement benefits does not exceed the weekly salary that was
18 paid to the fire fighter, fire fighting instructor, police officer, or deputy sheriff.

19 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
20 provisions of § 9-503(b)(2) of the Labor and Employment Article, a deputy sheriff of
21 Baltimore County who is employed on or before September 30, 1996:

22 (1) as a condition of continued employment shall provide to theSheriff of
23 Baltimore County on or before December 31, 1996 a copy of a medical report disclosing
24 and describing any existing heart disease or hypertension from which the deputy sheriff
25 may be suffering; and

26 (2) is entitled to the presumption under § 9-503(b) of the Labor and
27 Employment Article only to the extent that the individual suffers from heart disease or
28 hypertension that is more severe than the individual's heart disease orhypertension
29 condition existing as of the date of the medical report provided under paragraph (1) of
30 this Section.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 1996.