
By: Senator Derr

Introduced and read first time: January 24, 1996

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Occupational Diseases - Volunteer Advanced LifeSupport**
3 **Unit Members**

4 FOR the purpose of providing that, under certain circumstances, certain volunteer
5 advanced life support unit members are presumed to have an occupational disease
6 that was suffered in the line of duty and is compensable under the workers'
7 compensation law; providing that, under certain circumstances, certain treatment of
8 certain individuals who are diagnosed with certain diseases is compensable under
9 workers' compensation law; and generally relating to the compensability of
10 occupational diseases under the workers' compensation law.

11 BY repealing and reenacting, without amendments,
12 Article - Labor and Employment
13 Section 9-234(a)
14 Annotated Code of Maryland
15 (1991 Volume and 1995 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article - Labor and Employment
18 Section 9-503(a) and (c)
19 Annotated Code of Maryland
20 (1991 Volume and 1995 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 9-234.

25 (a) (1) In this section the following words have the meanings indicated.

26 (2) (i) "On duty" means:

27 1. fighting a fire;

28 2. performing a duty of a member of an advanced life support
29 unit or an ambulance, first aid, or rescue squad in a volunteer company;

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1 3. except as provided in subparagraph (ii) of this paragraph,
2 performing a duty that the volunteer company assigns to the member;

3 4. performing a duty that a written bylaw or rule of government
4 adopted for the volunteer company assigns to the member;

5 5. going to or from performing a duty included under item 1, 2,
6 3, or 4 of this subparagraph;

7 6. accompanying an accident or fire victim while being
8 transported to a hospital in a helicopter; or

9 7. returning to the home station of the individual after
10 accompanying a victim under item (6) of this subparagraph.

11 (ii) "On duty" does not include attendance of a member of a volunteer
12 company at a social function unless a written bylaw or rule of government adopted for the
13 volunteer company requires the attendance or participation of the member.

14 (3) "Volunteer company" means:

15 (i) a volunteer advanced life support unit;

16 (ii) a volunteer ambulance company or squad;

17 (iii) a volunteer fire company or department; and

18 (iv) a volunteer rescue company, department, or squad.

19 9-503.

20 (a) (1) A paid fire fighter or paid fire fighting instructor employed by an airport
21 authority, a county, a fire control district, a municipality, or the State or a volunteer fire
22 fighter, volunteer fire fighting instructor, [or] volunteer rescue squad member, OR
23 VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER who is a covered employee
24 under § 9-234 of this title is presumed to have an occupational disease that was suffered
25 in the line of duty and is compensable under this title if:

26 [(1)] (I) the individual has heart disease, hypertension, or lung disease;

27 [(2)] (II) the heart disease, hypertension, or lung disease results in partial or
28 total disability or death; and

29 [(3)] (III) in the case of a volunteer fire fighter, volunteer fire fighting
30 instructor, [or] volunteer rescue squad member, OR VOLUNTEER ADVANCED LIFE
31 SUPPORT UNIT MEMBER, the individual has met a suitable standard of physical
32 examination before becoming a fire fighter, fire fighting instructor, [or] rescue squad
33 member, OR ADVANCED LIFE SUPPORT UNIT MEMBER.

34 (2) THE GOOD-FAITH MEDICAL TREATMENT OF HEART DISEASE,
35 HYPERTENSION, OR LUNG DISEASE IS COMPENSABLE IF THE INDIVIDUAL:

36 (I) IS A PAID FIRE FIGHTER OR PAID FIRE FIGHTING INSTRUCTOR
37 EMPLOYED BY AN AIRPORT AUTHORITY, A COUNTY, A FIRE CONTROL DISTRICT, A
38 MUNICIPALITY, OR THE STATE OR A VOLUNTEER FIRE FIGHTER, VOLUNTEER FIRE

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1 FIGHTING INSTRUCTOR, VOLUNTEER RESCUE SQUAD MEMBER, OR VOLUNTEER
2 ADVANCED LIFE SUPPORT UNIT MEMBER WHO IS A COVERED EMPLOYEE UNDER §
3 9-234 OF THIS TITLE; AND

4 (II) WAS DIAGNOSED WHILE ON DUTY, AS DEFINED UNDER §
5 9-234(A) OF THIS TITLE, WITH HEART DISEASE, HYPERTENSION, OR LUNG DISEASE.

6 (c) A paid fire fighter or paid fire fighting instructor employed by an airport
7 authority, a county, a fire control district, a municipality, or the State or a volunteer fire
8 fighter, volunteer fire fighting instructor, [or a] volunteer rescue squad member, OR
9 VOLUNTEER ADVANCED LIFE SUPPORT UNIT MEMBER who is a covered employee
10 under § 9-234 of this title is presumed to be suffering from an occupational disease that
11 was suffered in the line of duty and is compensable under this title if the individual:

12 (1) has leukemia or pancreatic, prostate, rectal, or throat cancer that is
13 caused by contact with a toxic substance that the individual has encountered in the line of
14 duty;

15 (2) has completed at least 5 years of service as a fire fighter, fire fighting
16 instructor, [or] rescue squad member, OR ADVANCED LIFE SUPPORT UNIT MEMBER or
17 in a combination of those jobs in the department where the individual currently is
18 employed or serves;

19 (3) is unable to perform the normal duties of a fire fighter, fire fighting
20 instructor, [or] rescue squad member, OR ADVANCED LIFE SUPPORT UNIT MEMBER in
21 the department where the individual currently is employed or serves because of the
22 cancer or leukemia disability; and

23 (4) in the case of a volunteer fire fighter, volunteer fire fighting instructor,
24 [or] volunteer rescue squad member, OR VOLUNTEER ADVANCED LIFE SUPPORT
25 UNIT MEMBER, has met a suitable standard of physical examination before becoming a
26 fire fighter, fire fighting instructor, or rescue squad member.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 1996.