

SENATE BILL 535

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1998 Regular Session
8lr2402
CF 8lr1436

By: **Senator Derr**

Introduced and read first time: February 6, 1998

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Public Safety Employees**

3 FOR the purpose of clarifying that certain workers' compensation benefits received by
4 certain public safety employees supplement certain retirement benefits; and
5 generally relating to workers' compensation and retirement benefits.

6 BY repealing and reenacting, with amendments,
7 Article - Labor and Employment
8 Section 9-503
9 Annotated Code of Maryland
10 (1991 Volume and 1997 Supplement)

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

13 **Article - Labor and Employment**

14 9-503.

15 (a) A paid fire fighter or paid fire fighting instructor employed by an airport
16 authority, a county, a fire control district, a municipality, or the State or a volunteer
17 fire fighter, volunteer fire fighting instructor, volunteer rescue squad member, or
18 volunteer advanced life support unit member who is a covered employee under §
19 9-234 of this title is presumed to have an occupational disease that was suffered in
20 the line of duty and is compensable under this title if:

21 (1) the individual has heart disease, hypertension, or lung disease;

22 (2) the heart disease, hypertension, or lung disease results in partial or
23 total disability or death; and

24 (3) in the case of a volunteer fire fighter, volunteer fire fighting
25 instructor, volunteer rescue squad member, or volunteer advanced life support unit
26 member, the individual has met a suitable standard of physical examination before
27 becoming a fire fighter, fire fighting instructor, rescue squad member, or advanced
28 life support unit member.

1 (b) (1) A paid police officer employed by an airport authority, a county, the
2 Maryland-National Capital Park and Planning Commission, a municipality, or the
3 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
4 subsection, a Prince George's County deputy sheriff is presumed to be suffering from
5 an occupational disease that was suffered in the line of duty and is compensable
6 under this title if:

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

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

11 (2) (i) A Prince George's County deputy sheriff is entitled to the
12 presumption under this subsection only to the extent that the individual suffers from
13 heart disease or hypertension that is more severe than the individual's heart disease
14 or hypertension condition existing prior to the individual's employment as a Prince
15 George's County deputy sheriff.

16 (ii) To be eligible for the presumption under this subsection, a
17 Prince George's County deputy sheriff, as a condition of employment, shall submit to
18 a medical examination to determine any heart disease or hypertension condition
19 existing prior to the individual's employment as a Prince George's County deputy
20 sheriff.

21 (c) A paid fire fighter or paid fire fighting instructor employed by an airport
22 authority, a county, a fire control district, a municipality, or the State or a volunteer
23 fire fighter, volunteer fire fighting instructor, volunteer rescue squad member, or
24 volunteer advanced life support unit member who is a covered employee under §
25 9-234 of this title is presumed to be suffering from an occupational disease that was
26 suffered in the line of duty and is compensable under this title if the individual:

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

30 (2) has completed at least 5 years of service as a fire fighter, fire fighting
31 instructor, rescue squad member, or advanced life support unit member or in a
32 combination of those jobs in the department where the individual currently is
33 employed or serves;

34 (3) is unable to perform the normal duties of a fire fighter, fire fighting
35 instructor, rescue squad member, or advanced life support unit member in the
36 department where the individual currently is employed or serves because of the
37 cancer or leukemia disability; and

38 (4) in the case of a volunteer fire fighter, volunteer fire fighting
39 instructor, volunteer rescue squad member, or volunteer advanced life support unit
40 member, has met a suitable standard of physical examination before becoming a fire

1 fighter, fire fighting instructor, rescue squad member, or advanced life support unit
2 member.

3 (d) (1) Except as provided in paragraph (2) of this subsection, any paid fire
4 fighter, paid fire fighting instructor, paid police officer, or any deputy sheriff of
5 Montgomery County or Prince George's County who is eligible for benefits under
6 subsection (a), (b), or (c) of this section shall receive the benefits in addition to any
7 benefits that the individual is entitled to receive under the retirement system in
8 which the individual was a participant at the time of the claim.

9 (2) The benefits received under this title shall be adjusted so that the
10 weekly total of those benefits and retirement benefits ARISING FROM AN
11 OCCUPATIONAL DISEASE OR MENTAL DISABILITY COVERED UNDER THIS SECTION
12 does not exceed the weekly salary that was paid to the fire fighter, fire fighting
13 instructor, police officer, or deputy sheriff.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 1998.