

HOUSE BILL 828

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1999 Regular Session  
9r0528

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By: **Prince George's County Delegation**

Introduced and read first time: February 12, 1999

Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Correctional Officers - Workers' Compensation**  
3 **PG 316-99**

4 FOR the purpose of extending the presumption of compensability under the workers'  
5 compensation law to include, subject to certain conditions, Prince George's  
6 County correctional officers who suffer from heart disease or hypertension  
7 resulting in partial or total disability or death; requiring certain Prince George's  
8 County correctional officers to submit certain medical disclosures to the Director  
9 of the Prince George's County Department of Correctional Services; providing  
10 that, subject to a certain limitation, workers' compensation benefits received  
11 under this Act are in addition to certain retirement benefits; making a technical  
12 correction; and generally relating to compensability under the workers'  
13 compensation law of Prince George's County correctional officers.

14 BY repealing and reenacting, with amendments,  
15 Article - Labor and Employment  
16 Section 9-503(b) and (d)  
17 Annotated Code of Maryland  
18 (1991 Volume and 1998 Supplement)

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

21 **Article - Labor and Employment**

22 9-503.

23 (b) (1) A paid police officer employed by an airport authority, a county, the  
24 Maryland-National Capital Park and Planning Commission, a municipality, or the  
25 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
26 subsection, a Prince George's County deputy sheriff OR CORRECTIONAL OFFICER is  
27 presumed to be suffering from an occupational disease that was [suffered]  
28 CONTRACTED in the line of duty and is compensable under this title if:

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

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

5 (2) (i) A Prince George's County deputy sheriff OR CORRECTIONAL  
6 OFFICER is entitled to the presumption under this subsection only to the extent that  
7 the individual suffers from heart disease or hypertension that is more severe than the  
8 individual's heart disease or hypertension condition existing prior to the individual's  
9 employment as a Prince George's County deputy sheriff OR CORRECTIONAL OFFICER.

10 (ii) To be eligible for the presumption under this subsection, a  
11 Prince George's County deputy sheriff OR CORRECTIONAL OFFICER, as a condition of  
12 employment, shall submit to a medical examination to determine any heart disease or  
13 hypertension condition existing prior to the individual's employment as a Prince  
14 George's County deputy sheriff OR CORRECTIONAL OFFICER.

15 (d) (1) Except as provided in paragraph (2) of this subsection, any paid fire  
16 fighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
17 Marshal, paid police officer, [or any] deputy sheriff of Montgomery [County]  
18 COUNTY, or Prince George's County DEPUTY SHERIFF OR CORRECTIONAL OFFICER  
19 who is eligible for benefits under subsection (a), (b), or (c) of this section shall receive  
20 the benefits in addition to any benefits that the individual is entitled to receive under  
21 the retirement system in which the individual was a participant at the time of the  
22 claim.

23 (2) The benefits received under this title shall be adjusted so that the  
24 weekly total of those benefits and retirement benefits does not exceed the weekly  
25 salary that was paid to the fire fighter, fire fighting instructor, sworn member of the  
26 Office of the State Fire Marshal, police officer, [or] deputy sheriff, OR  
27 CORRECTIONAL OFFICER.

28 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
29 provisions of § 9-503(b)(2) of the Labor and Employment Article, a Prince George's  
30 County correctional officer who is employed on or before September 30, 1999:

31 (1) As a condition of continued employment shall provide to the Prince  
32 George's County Director of the Department of Correctional Services on or before  
33 December 31, 1999, a copy of a medical report disclosing and describing any existing  
34 heart disease or hypertension from which the correctional officer may be suffering;  
35 and

36 (2) Is entitled to the presumption under § 9-503(b) of the Labor and  
37 Employment Article only to the extent that the individual suffers from heart disease  
38 or hypertension that is more severe than the individual's heart disease or  
39 hypertension condition existing as of the date of the medical report provided under  
40 paragraph (1) of this section.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1999.