

HOUSE BILL 828

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1999 Regular Session
9r0528

By: **Prince George's County Delegation**
Introduced and read first time: February 12, 1999
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: April 6, 1999

CHAPTER _____

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:

1

Article - Labor and Employment

2 9-503.

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

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

12 (ii) the heart disease or hypertension results in partial or total
13 disability or death.

14 (2) (i) A Prince George's County deputy sheriff OR PRINCE GEORGE'S
15 COUNTY CORRECTIONAL OFFICER is entitled to the presumption under this
16 subsection only to the extent that the individual suffers from heart disease or
17 hypertension that is more severe than the individual's heart disease or hypertension
18 condition existing prior to the individual's employment as a Prince George's County
19 deputy sheriff OR PRINCE GEORGE'S COUNTY CORRECTIONAL OFFICER.

20 (ii) To be eligible for the presumption under this subsection, a
21 Prince George's County deputy sheriff OR PRINCE GEORGE'S COUNTY CORRECTIONAL
22 OFFICER, as a condition of employment, shall submit to a medical examination to
23 determine any heart disease or hypertension condition existing prior to the
24 individual's employment as a Prince George's County deputy sheriff OR PRINCE
25 GEORGE'S COUNTY CORRECTIONAL OFFICER.

26 (d) (1) Except as provided in paragraph (2) of this subsection, any paid fire
27 fighter, paid fire fighting instructor, sworn member of the Office of the State Fire
28 Marshal, paid police officer, [or any] deputy sheriff of Montgomery [County]
29 COUNTY, or Prince George's County DEPUTY SHERIFF OR PRINCE GEORGE'S COUNTY
30 CORRECTIONAL OFFICER who is eligible for benefits under subsection (a), (b), or (c) of
31 this section shall receive the benefits in addition to any benefits that the individual is
32 entitled to receive under the retirement system in which the individual was a
33 participant at the time of the claim.

34 (2) The benefits received under this title shall be adjusted so that the
35 weekly total of those benefits and retirement benefits does not exceed the weekly
36 salary that was paid to the fire fighter, fire fighting instructor, sworn member of the
37 Office of the State Fire Marshal, police officer, [or] deputy sheriff, OR PRINCE
38 GEORGE'S COUNTY CORRECTIONAL OFFICER.

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

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

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

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