

Department of Legislative Services  
Maryland General Assembly  
1999 Session

FISCAL NOTE  
Revised

House Bill 311 (Delegate McClenahan. *et al.*)

Economic Matters

---

**Workers' Compensation - Department of Natural Resources**

---

This bill clarifies that paid law enforcement employees of the Department of Natural Resources (DNR) are covered employees for workers' compensation purposes. The bill also provides that a paid law enforcement employee of DNR is presumed to have an occupational disease that was suffered in the line of duty and is compensable under workers' compensation law if the employee: (1) is suffering from Lyme Disease; (2) was not suffering from Lyme Disease before assignment to a position that regularly places the employee in an outdoor wooded environment; and (3) demonstrates that the employee had any Lyme Disease vaccination required or made available to the employee by DNR. The vaccination requirement does not apply to an individual who objects to immunization because it conflicts with the individual's bona fide religious beliefs and practices. Any workers' compensation benefits paid under this proposal would be in addition to any disability retirement benefit, although the combined weekly benefit cannot exceed the employee's weekly wage.

---

**Fiscal Summary**

**State Effect:** Minimal or no impact. DNR police and park rangers are currently covered by workers' compensation for occupational diseases. Most Lyme Disease cases of these employees would already be covered by workers' compensation.

**Local Effect:** None.

**Small Business Effect:** None.

---

## Fiscal Analysis

**State Expenditures:** Currently there are approximately 200 DNR police officers and approximately 180 park rangers.

DNR police and park rangers are currently covered employees of DNR for workers' compensation purposes. The Injured Workers' Insurance Fund (IWIF), which administers the State's workers' compensation coverage, advises that many claims under this provision would also be compensable under current law. The only change under the proposal would be the creation of a presumption that the Lyme Disease was the result of job-related activities, increasing the likelihood of the success of the claim.

For illustrative purposes, if there were two such claims per year that were not currently compensable but compensable under this provision, then the potential cost to the State would be \$42,000 annually based on an average cost per claim of \$21,000. (Claims involving Lyme Disease are potentially more costly than average if the disease goes undiagnosed for a period of time.) These costs would be reflected in higher State workers' compensation expenditures.

---

**Information Source(s):** Department of Natural Resources, Injured Workers' Insurance Fund, Subsequent Injury Fund, Uninsured Employers' Fund, Workers' Compensation Commission, National Council on Compensation Insurance, Department of Legislative Services

**Fiscal Note History:**

First Reader - February 26, 1999

mld/jr

Revised - House Third Reader - April 12, 1999

---

Analysis by: Matthew D. Riven

Direct Inquiries to:

John Rixey, Coordinating Analyst

(410) 946-5510

(301) 970-5510