

Department of Legislative Services
Maryland General Assembly
2000 Session

FISCAL NOTE
Revised

Senate Bill 419 (Senator DeGrange. *et al.*)

Finance

Workers' Compensation - Award Modification - Compensation for Certain Viral Hepatitis

This bill extends the time period during which an "emergency response person" may apply for a modification of an award by the Workers' Compensation Commission for a compensable accidental injury based on an exposure to any of the forms of blood borne viral hepatitis. The bill allows an emergency response person to apply for a modification of an award within one year after the date when a reasonable person would have known or should have known of the manifestation of the viral condition which may be casually related to the exposure. An emergency response person is: (1) a paid or volunteer firefighter, fire fighting instructor, or emergency medical services provider; or (2) a volunteer rescue squad member or advanced life support unit member.

Fiscal Summary

State Effect: Minimal increase in State workers' compensation expenditures to the extent awards of State emergency response persons increase because of this bill.

Local Effect: Minimal increase in local workers' compensation expenditures to the extent awards of local emergency response persons increase because of this bill.

Small Business Effect: None.

Analysis

Current Law: If a disability is aggravated, diminished, or terminated after the compensation rate is set or the compensation is terminated, the commission may adjust the compensation rate for future application or, if appropriate, may terminate the payments. Except in cases of estoppel or fraud, the application for modification must be made within five years after the last compensation payment. If a party failed to apply for modification because of fraud or facts and circumstances amounting to an estoppel, the party must apply for modification within one year after the date of discovery of the fraud or the date when the facts and circumstances amounting to an estoppel ceased to operate.

Background: Emergency response persons may become exposed to blood borne viral hepatitis while treating injured persons. Blood borne hepatitis can be contracted through pricks from infected needles and other instruments, and bites by infected individuals. Hepatitis may be dormant and may not manifest itself for a number of years.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Injured Workers' Insurance Fund, Subsequent Injury Fund, Uninsured Employers' Fund, Department of Legislative Services

Fiscal Note History: First Reader - February 11, 2000
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