

Department of Legislative Services

Maryland General Assembly

2001 Session

FISCAL NOTE

House Bill 996 (Delegate McHale)

Economic Matters

Workers' Compensation Benefits - Occupational Exposure - Cancer and Leukemia

This bill changes the presumptions regarding a compensable occupational disease under the State's workers' compensation law applicable to a paid or volunteer firefighter, sworn fire marshal, paid or volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced live support unit member. Under the bill such an employee is presumed to have a compensable injury if the individual: (1) has leukemia or cancer; (2) has completed five years of service where he or she was employed; (3) is permanently partially or permanently totally disabled or dies because of a disability caused by the cancer or leukemia; and (4) in the case of a volunteer, meets the current requirements applicable to volunteers.

Fiscal Summary

State Effect: Minimal. Most cancer or leukemia cases of these employees would already be covered by workers' compensation.

Local Effect: Minimal. Most cancer or leukemia cases of these employees would already be covered by workers' compensation.

Small Business Effect: None.

Analysis

Current Law: A firefighter or police officer is presumed to have a compensable occupational disease if the individual has heart disease or hypertension. A paid or

volunteer firefighter, sworn fire marshal, paid or volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member is presumed to have a compensable occupational disease if the individual: (1) has leukemia or pancreatic, prostate, rectal, or throat cancer caused by contact with a toxic substance that the individual has contacted in the line of duty; (2) has completed at least five years service in the department where the individual is currently employed or serves; (3) is unable to perform his or her normal duties because of the cancer or leukemia; and (4) in the case of a volunteer, has met a suitable standard of physical examination before becoming a volunteer.

An individual has a compensable occupational disease if: (1) the disease is due to the hazardous nature of the employment or if the disease has manifestations that are consistent with those known to result from exposure to a biological, chemical, or physical agent that is attributable to the type of employment; and (2) on the weight of the evidence, it may be reasonably concluded that the occupational disease was incurred as a result of the employment.

State Expenditures: No data are available on the number of claims that might become compensable under this bill. However, the Injured Workers' Insurance Fund, which administers the State's workers' compensation program, advises that its average cost per claim over the last five years is approximately \$7,000. For illustrative purposes, if five cases became compensable under the bill's provisions, the total cost could be \$35,000.

Local Expenditures: There are approximately 31,100 local paid and volunteer firefighters and police officers in the State. Most volunteer and all paid employees are covered employees for workers' compensation purposes. Many claims under this bill would also be compensable under current law. An increase in the number of cases would cause an increase in workers' compensation costs to local governments.

Additional Information

Prior Introductions: None.

Cross File: SB 670 (Senator DeGrange) – Finance.

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

Fiscal Note History: First Reader – March 2, 2001
ef/jr

Analysis by: Ryan Wilson

Direct Inquiries to:
John Rixey, Coordinating Analyst
(410) 946-5510
(301) 970-5510