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By: **Delegate Krysiak**  
Introduced and read first time: February 7, 2003  
Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Catastrophic Health Emergency - Volunteer Health Care Provider -**  
3                                   **Workers' Compensation**

4 FOR the purpose of providing that certain health care providers who are members of  
5 certain catastrophic health emergency response teams are covered employees  
6 under certain workers' compensation insurance plans under certain  
7 circumstances; designating the employer for these covered employees;  
8 prohibiting a workers' compensation insurance carrier, unless there is a  
9 declaration of war by the United States Congress, from interpreting a workers'  
10 compensation insurance policy to deny a claim related to a covered employee's  
11 participation on a catastrophic health emergency response team for certain  
12 purposes; defining certain terms; providing for the construction of this Act; and  
13 generally relating to covered employment for the purposes of workers'  
14 compensation law.

15 BY adding to  
16 Article - Labor and Employment  
17 Section 9-237  
18 Annotated Code of Maryland  
19 (1999 Replacement Volume and 2002 Supplement)

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

22                                   **Article - Labor and Employment**

23 9-237.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
25 INDICATED.

26 (2) "HEALTH CARE PROVIDER" MEANS:

27 (I) A PERSON WHO IS LICENSED, CERTIFIED, OR OTHERWISE  
28 AUTHORIZED UNDER THE HEALTH OCCUPATIONS ARTICLE OR § 13-516 OF THE

1 EDUCATION ARTICLE TO PROVIDE HEALTH CARE IN THE ORDINARY COURSE OF  
2 BUSINESS OR PRACTICE OF A PROFESSION OR IN AN APPROVED EDUCATION OR  
3 TRAINING PROGRAM;

4 (II) THE AGENTS, EMPLOYEES, OFFICERS, AND DIRECTORS OF A  
5 HOSPITAL, AS DEFINED IN § 19-301(G) OF THE HEALTH - GENERAL ARTICLE; AND

6 (III) THE AGENTS AND EMPLOYEES OF A HEALTH CARE PROVIDER.

7 (3) "CATASTROPHIC HEALTH EMERGENCY" HAS THE MEANING STATED  
8 IN § 18-901(B) OF THE HEALTH - GENERAL ARTICLE.

9 (B) EACH HEALTH CARE PROVIDER WHO VOLUNTEERS FOR OR IS ASSIGNED  
10 TO A CATASTROPHIC HEALTH EMERGENCY RESPONSE TEAM OF A HOSPITAL FOR THE  
11 PURPOSE OF PREPARING FOR OR RESPONDING TO A POTENTIAL OR ACTUAL  
12 CATASTROPHIC HEALTH EMERGENCY, AND WHO IS NOT OTHERWISE ELIGIBLE IN  
13 THAT CAPACITY AS A COVERED PERSON UNDER THE HOSPITAL'S WORKERS'  
14 COMPENSATION INSURANCE PLAN, IS A COVERED EMPLOYEE.

15 (C) FOR THE PURPOSES OF THIS TITLE, THE HOSPITAL IS THE EMPLOYER OF  
16 EACH INDIVIDUAL WHO IS A COVERED EMPLOYEE UNDER SUBSECTION (B) OF THIS  
17 SECTION.

18 (D) EACH HEALTH CARE PROVIDER WHO IS ENROLLED AS A VOLUNTEER  
19 MEMBER OF A CATASTROPHIC HEALTH EMERGENCY RESPONSE TEAM OF A HEALTH  
20 OCCUPATIONS LICENSING BOARD FOR THE PURPOSE OF PREPARING FOR OR  
21 RESPONDING TO A POTENTIAL OR ACTUAL CATASTROPHIC HEALTH EMERGENCY,  
22 AND WHO IS NOT OTHERWISE ELIGIBLE IN THAT CAPACITY AS A COVERED PERSON  
23 UNDER A WORKERS' COMPENSATION INSURANCE PLAN, IS A COVERED EMPLOYEE.

24 (E) FOR THE PURPOSES OF THIS TITLE, THE STATE IS THE EMPLOYER OF  
25 EACH INDIVIDUAL WHO IS A COVERED EMPLOYEE UNDER SUBSECTION (D) OF THIS  
26 SECTION.

27 (F) ABSENT A DECLARATION OF WAR BY THE UNITED STATES CONGRESS, A  
28 WORKERS' COMPENSATION INSURANCE CARRIER DOING BUSINESS IN MARYLAND  
29 MAY NOT INTERPRET OR APPLY A WORKERS' COMPENSATION INSURANCE POLICY TO  
30 DENY A CLAIM THAT IS MADE BY OR ON BEHALF OF A COVERED EMPLOYEE IN  
31 CONNECTION WITH AN INJURY OR ILLNESS THAT RESULTS FROM THE COVERED  
32 EMPLOYEE'S PARTICIPATION ON A CATASTROPHIC HEALTH EMERGENCY RESPONSE  
33 TEAM FOR THE PURPOSE OF PREPARING FOR OR RESPONDING TO A POTENTIAL OR  
34 ACTUAL CATASTROPHIC HEALTH EMERGENCY.

35 (G) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT OR RESTRICT WORKERS'  
36 COMPENSATION COVERAGE THAT IS OTHERWISE AVAILABLE TO A COVERED  
37 EMPLOYEE.

38 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
39 October 1, 2003.