

Department of Legislative Services
Maryland General Assembly
2003 Session

FISCAL AND POLICY NOTE

House Bill 781
Economic Matters

(Delegate Krysiak)

Catastrophic Health Emergency - Volunteer Health Care Provider - Workers'
Compensation

This bill extends the definition of covered employee for workers' compensation purposes to volunteer health care providers preparing for or responding to a catastrophic health care emergency.

Fiscal Summary

State Effect: The Injured Workers' Insurance Fund (IWIF) is the State's workers' compensation insurer. The State could face a potentially significant increase in expenditures for workers' compensation premiums for covered volunteer health care providers.

Injured Workers' Insurance Fund: Potential significant increase in nonbudgeted expenditures and revenues due to claims for covered volunteer employees.

Local Effect: None.

Small Business Effect: None.

Analysis

Bill Summary: This bill includes a health care provider as a covered employee of a hospital if the health care provider is volunteering for or is assigned to a catastrophic health emergency response team of a hospital for the purpose of preparing for or responding to a potential or actual catastrophic health emergency, and who is not

otherwise eligible in that capacity as a covered person under the hospital's workers' compensation insurance plan.

This bill also includes a health care provider as a covered employee of the State if the health care provider is volunteering for or is assigned to a catastrophic health emergency response team of a health occupations licensing board for the purpose of preparing for or responding to a potential or actual catastrophic health emergency, and who is not otherwise eligible in that capacity as a covered person under the hospital's workers' compensation insurance plan.

This bill defines a health care provider as a person licensed, certified, or otherwise authorized under the Health Occupations Article or the Emergency Medical Services Board in the Education Article to provide health care in the ordinary course of business or practice of a profession or in an approved education or training program. Catastrophic health emergencies are defined as imminent threats of extensive loss of life or serious disability caused by exposure to a deadly agent.

This bill does not limit or restrict workers' compensation coverage that is otherwise available to a covered employee.

Current Law: Volunteer health care providers preparing for or responding to a catastrophic health emergency are not covered employees.

Background: Deadly agents that cause designation as a catastrophic health emergency include: (1) anthrax, Ebola, plague, smallpox, tularemia, or other bacterial, fungal, rickettsial, or viral agent, biological toxin, or other agent capable of causing extensive loss of life or serious disability; (2) mustard gas, nerve gas, or other chemical agents capable of causing extensive loss of life or serious disability; or (3) radiation levels capable of causing extensive loss of life or serious disability.

Injured Workers' Insurance Fund: For illustrative purposes only, if widespread small pox inoculations of first responders occurred, some side effects on an indeterminate number of people will occur. IWIF estimates that the cost of claims resulting from the inoculations would be between \$86 and \$250 per person. If 1,000 individuals were inoculated, the cost would be between \$86,000 and \$250,000. The Department of Legislative Services is unable to concur with the magnitude of this estimate, but does concur that an increase in expenditures and revenues is likely.

State Fiscal Effect: The State will incur increased workers' compensation claim costs for any covered volunteer employees that had compensable events in the course of preparation for or response to a catastrophic health emergency.

In addition, any increase in workers' compensation premiums due to preparation for or response to a catastrophic health emergency would result in increased expenditures for IWIF charges in all funds.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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