
By: **Montgomery County Delegation**
 Introduced and read first time: February 2, 2005
 Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Heart Disease and Hypertension Presumption -**
 3 **Montgomery County Correctional Officers**
 4 **MC 514-05**

5 FOR the purpose of applying the occupational disease presumption under the
 6 workers' compensation law to Montgomery County correctional officers who
 7 suffer from heart disease or hypertension resulting in partial or total disability
 8 or death under certain circumstances; requiring Montgomery County
 9 correctional officers to submit to a certain medical examination to be eligible for
 10 the presumption under this Act; providing that Montgomery County correctional
 11 officers who are eligible for benefits under this Act shall receive the benefits in
 12 addition to certain retirement benefits, subject to a certain adjustment; and
 13 generally relating to the occupational disease presumption for heart disease and
 14 hypertension under the workers' compensation law.

15 BY repealing and reenacting, with amendments,
 16 Article - Labor and Employment
 17 Section 9-503
 18 Annotated Code of Maryland
 19 (1999 Replacement Volume and 2004 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 9-503.

24 (a) A paid firefighter, paid fire fighting instructor, or sworn member of the
 25 Office of the State Fire Marshal employed by an airport authority, a county, a fire
 26 control district, a municipality, or the State or a volunteer firefighter, volunteer fire
 27 fighting instructor, volunteer rescue squad member, or volunteer advanced life
 28 support unit member who is a covered employee under § 9-234 of this title is

1 presumed to have an occupational disease that was suffered in the line of duty and is
2 compensable under this title if:

3 (1) the individual has heart disease, hypertension, or lung disease;

4 (2) the heart disease, hypertension, or lung disease results in partial or
5 total disability or death; and

6 (3) in the case of a volunteer firefighter, volunteer fire fighting
7 instructor, volunteer rescue squad member, or volunteer advanced life support unit
8 member, the individual has met a suitable standard of physical examination before
9 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life
10 support unit member.

11 (b) (1) A paid police officer employed by an airport authority, a county, the
12 Maryland-National Capital Park and Planning Commission, a municipality, or the
13 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this
14 subsection, a deputy sheriff of Baltimore City, MONTGOMERY COUNTY
15 CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's
16 County correctional officer is presumed to be suffering from an occupational disease
17 that was suffered in the line of duty and is compensable under this title if:

18 (i) the police officer, deputy sheriff, or correctional officer is
19 suffering from heart disease or hypertension; and

20 (ii) the heart disease or hypertension results in partial or total
21 disability or death.

22 (2) (i) A deputy sheriff of Baltimore City, MONTGOMERY COUNTY
23 CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's
24 County correctional officer is entitled to the presumption under this subsection only
25 to the extent that the individual suffers from heart disease or hypertension that is
26 more severe than the individual's heart disease or hypertension condition existing
27 prior to the individual's employment as a deputy sheriff of Baltimore City,
28 MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy
29 sheriff, or Prince George's County correctional officer.

30 (ii) To be eligible for the presumption under this subsection, a
31 deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER,
32 Prince George's County deputy sheriff, or Prince George's County correctional officer,
33 as a condition of employment, shall submit to a medical examination to determine
34 any heart disease or hypertension condition existing prior to the individual's
35 employment as a deputy sheriff of Baltimore City, MONTGOMERY COUNTY
36 CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's
37 County correctional officer.

38 (c) A paid firefighter, paid fire fighting instructor, or a sworn member of the
39 Office of the State Fire Marshal employed by an airport authority, a county, a fire
40 control district, a municipality, or the State or a volunteer firefighter, volunteer fire
41 fighting instructor, volunteer rescue squad member, or volunteer advanced life

1 support unit member who is a covered employee under § 9-234 of this title is
2 presumed to be suffering from an occupational disease that was suffered in the line of
3 duty and is compensable under this title if the individual:

4 (1) has leukemia or pancreatic, prostate, rectal, or throat cancer that is
5 caused by contact with a toxic substance that the individual has encountered in the
6 line of duty;

7 (2) has completed at least 5 years of service as a firefighter, fire fighting
8 instructor, rescue squad member, or advanced life support unit member or in a
9 combination of those jobs in the department where the individual currently is
10 employed or serves;

11 (3) is unable to perform the normal duties of a firefighter, fire fighting
12 instructor, rescue squad member, or advanced life support unit member in the
13 department where the individual currently is employed or serves because of the
14 cancer or leukemia disability; and

15 (4) in the case of a volunteer firefighter, volunteer fire fighting
16 instructor, volunteer rescue squad member, or volunteer advanced life support unit
17 member, has met a suitable standard of physical examination before becoming a
18 firefighter, fire fighting instructor, rescue squad member, or advanced life support
19 unit member.

20 (d) (1) A paid law enforcement employee of the Department of Natural
21 Resources who is a covered employee under § 9-207 of this title is presumed to have
22 an occupational disease that was suffered in the line of duty and is compensable
23 under this title if the employee:

24 (i) is suffering from Lyme disease;

25 (ii) was not suffering from Lyme disease before assignment to a
26 position that regularly places the employee in an outdoor wooded environment; and

27 (iii) except as provided in paragraph (2) of this subsection,
28 demonstrates that the employee had any Lyme disease vaccination required or made
29 available to the employee by the Department of Natural Resources.

30 (2) The requirement imposed by paragraph (1)(iii) of this subsection does
31 not apply to an individual who objects to immunization because it conflicts with the
32 individual's bona fide religious beliefs and practices.

33 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
34 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
35 Marshal, paid police officer, paid law enforcement employee of the Department of
36 Natural Resources, deputy sheriff of Montgomery County, deputy sheriff of Baltimore
37 City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, deputy sheriff of Prince
38 George's County, or Prince George's County correctional officer who is eligible for
39 benefits under subsection (a), (b), (c), or (d) of this section shall receive the benefits in

1 addition to any benefits that the individual is entitled to receive under the retirement
2 system in which the individual was a participant at the time of the claim.

3 (2) The benefits received under this title shall be adjusted so that the
4 weekly total of those benefits and retirement benefits does not exceed the weekly
5 salary that was paid to the paid law enforcement employee of the Department of
6 Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of
7 the State Fire Marshal, police officer, deputy sheriff, or Prince George's County OR
8 MONTGOMERY COUNTY correctional officer.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2005.