
By: **Montgomery County Delegation**

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Assigned to: Economic Matters

Committee Report: Favorable with amendments

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CHAPTER _____

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;
 13 requiring a Montgomery County correctional officer who is employed on or
 14 before a certain date to submit a copy of a medical report disclosing and
 15 describing any existing heart disease or hypertension from which the
 16 correctional officer may be suffering; providing that a Montgomery County
 17 correctional officer employed on or before a certain date is entitled to a certain
 18 presumption under this Act, subject to a certain adjustment; and generally
 19 relating to the occupational disease presumption for heart disease and
 20 hypertension under the workers' compensation law.

21 BY repealing and reenacting, with amendments,
 22 Article - Labor and Employment
 23 Section 9-503
 24 Annotated Code of Maryland
 25 (1999 Replacement Volume and 2004 Supplement)

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

3 **Article - Labor and Employment**

4 9-503.

5 (a) A paid firefighter, paid fire fighting instructor, or sworn member of the
6 Office of the State Fire Marshal employed by an airport authority, a county, a fire
7 control district, a municipality, or the State or a volunteer firefighter, volunteer fire
8 fighting instructor, volunteer rescue squad member, or volunteer advanced life
9 support unit member who is a covered employee under § 9-234 of this title is
10 presumed to have an occupational disease that was suffered in the line of duty and is
11 compensable under this title if:

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

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

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

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

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

29 (ii) the heart disease or hypertension results in partial or total
30 disability or death.

31 (2) (i) A deputy sheriff of Baltimore City, MONTGOMERY COUNTY
32 CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's
33 County correctional officer is entitled to the presumption under this subsection only
34 to the extent that the individual suffers from heart disease or hypertension that is
35 more severe than the individual's heart disease or hypertension condition existing
36 prior to the individual's employment as a deputy sheriff of Baltimore City,
37 MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy
38 sheriff, or Prince George's County correctional officer.

1 (ii) To be eligible for the presumption under this subsection, a
2 deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER,
3 Prince George's County deputy sheriff, or Prince George's County correctional officer,
4 as a condition of employment, shall submit to a medical examination to determine
5 any heart disease or hypertension condition existing prior to the individual's
6 employment as a deputy sheriff of Baltimore City, MONTGOMERY COUNTY
7 CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's
8 County correctional officer.

9 (c) A paid firefighter, paid fire fighting instructor, or a sworn member of the
10 Office of the State Fire Marshal employed by an airport authority, a county, a fire
11 control district, a municipality, or the State or a volunteer firefighter, volunteer fire
12 fighting instructor, volunteer rescue squad member, or volunteer advanced life
13 support unit member who is a covered employee under § 9-234 of this title is
14 presumed to be suffering from an occupational disease that was suffered in the line of
15 duty and is compensable under this title if the individual:

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

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

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

27 (4) in the case of a volunteer firefighter, volunteer fire fighting
28 instructor, volunteer rescue squad member, or volunteer advanced life support unit
29 member, has met a suitable standard of physical examination before becoming a
30 firefighter, fire fighting instructor, rescue squad member, or advanced life support
31 unit member.

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

36 (i) is suffering from Lyme disease;

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

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

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

4 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
5 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
6 Marshal, paid police officer, paid law enforcement employee of the Department of
7 Natural Resources, deputy sheriff of Montgomery County, deputy sheriff of Baltimore
8 City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, deputy sheriff of Prince
9 George's County, or Prince George's County correctional officer who is eligible for
10 benefits under subsection (a), (b), (c), or (d) of this section shall receive the benefits in
11 addition to any benefits that the individual is entitled to receive under the retirement
12 system in which the individual was a participant at the time of the claim.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That notwithstanding the
20 provisions of § 9-503(b)(2) of the Labor and Employment Article, a Montgomery
21 County correctional officer who is employed on or before September 30, 2005:

22 (1) As a condition of continued employment, shall provide to the Director of
23 the Montgomery County Department of Correction and Rehabilitation on or before
24 December 31, 2005, a copy of a medical report disclosing and describing any existing
25 heart disease or hypertension from which the correctional officer may be suffering;
26 and

27 (2) Is entitled to the presumption under § 9-503(b) of the Labor and
28 Employment Article only to the extent that the individual suffers from heart disease
29 or hypertension that is more severe than the individual's heart disease or
30 hypertension condition existing as of the date of the medical report provided under
31 paragraph (1) of this section.

32 ~~SECTION 2. 3.~~ AND BE IT FURTHER ENACTED, That this Act shall take
33 effect October 1, 2005.