
By: **Delegate Love**

Introduced and read first time: February 11, 2005

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation - Occupational Disease - Anne Arundel County**
3 **Deputy Sheriffs**

4 FOR the purpose of extending the presumption of a compensable occupational disease
5 under workers' compensation law to include Anne Arundel County deputy
6 sheriffs who suffer from heart disease or hypertension resulting in partial or
7 total disability or death under certain circumstances; requiring that workers'
8 compensation benefits received under this Act are in addition to certain
9 retirement benefits, subject to a certain adjustment; requiring certain Anne
10 Arundel County deputy sheriffs to submit certain medical reports to the Anne
11 Arundel County Sheriff; clarifying language; and generally relating to
12 compensability under workers' compensation law to include Anne Arundel
13 County deputy sheriffs.

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 9-503(b) and (e)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2004 Supplement)

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

21 **Article - Labor and Employment**

22 9-503.

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

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

3 (ii) the heart disease or hypertension results in partial or total
4 disability or death.

5 (2) (i) A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, A deputy
6 sheriff of Baltimore City, A Prince George's County deputy sheriff, or A Prince
7 George's County correctional officer is entitled to the presumption under this
8 subsection only to the extent that the individual suffers from heart disease or
9 hypertension that is more severe than the individual's heart disease or hypertension
10 condition existing prior to the individual's employment as a deputy sheriff of ANNE
11 ARUNDEL COUNTY, Baltimore City, OR Prince George's County [deputy sheriff], or AS
12 A Prince George's County correctional officer.

13 (ii) To be eligible for the presumption under this subsection, A
14 DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, a deputy sheriff of Baltimore City, A
15 Prince George's County deputy sheriff, or A Prince George's County correctional
16 officer, as a condition of employment, shall submit to a medical examination to
17 determine any heart disease or hypertension condition existing prior to the
18 individual's employment as A DEPUTY SHERIFF OF ANNE ARUNDEL COUNTY, a deputy
19 sheriff of Baltimore City, A Prince George's County deputy sheriff, or A Prince
20 George's County correctional officer.

21 (e) (1) Except as provided in paragraph (2) of this subsection, any paid
22 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
23 Marshal, paid police officer, paid law enforcement employee of the Department of
24 Natural Resources, deputy sheriff of Montgomery County, DEPUTY SHERIFF OF ANNE
25 ARUNDEL COUNTY, deputy sheriff of Baltimore City, deputy sheriff of Prince George's
26 County, or Prince George's County correctional officer who is eligible for benefits
27 under subsection (a), (b), (c), or (d) of this section shall receive the benefits in addition
28 to any benefits that the individual is entitled to receive under the retirement system
29 in which the individual was a participant at the time of the claim.

30 (2) The benefits received under this title shall be adjusted so that the
31 weekly total of those benefits and retirement benefits does not exceed the weekly
32 salary that was paid to the paid law enforcement employee of the Department of
33 Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of
34 the State Fire Marshal, police officer, deputy sheriff, or Prince George's County
35 correctional officer.

36 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
37 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by
38 Section 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or
39 before September 30, 2005:

40 (1) as a condition of continued employment shall provide to the Anne
41 Arundel County Sheriff on or before December 31, 2005, a copy of a baseline medical

1 report disclosing and describing any existing heart disease or hypertension from
2 which the deputy sheriff may be suffering; and

3 (2) is entitled to the presumption under § 9-503(b)(2) of the Labor and
4 Employment Article, as enacted by Section 1 of this Act, only to the extent that the
5 individual suffers from heart disease or hypertension that is more severe than the
6 individual's heart disease or hypertension condition existing as of the date of the
7 medical report provided under paragraph (1) of this section.

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2005.