

**Department of Legislative Services**  
Maryland General Assembly  
2005 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 461  
Economic Matters

(Montgomery County Delegation)

Finance

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

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This bill adds Montgomery County correctional officers to the occupational disease presumption provisions of the workers' compensation laws for officers who suffer from heart disease or hypertension resulting in partial or total disability or death.

As a condition of continued employment, by December 31, 2005, each correctional officer must provide a copy of a baseline medical report on any existing heart disease or hypertension. The employee will be entitled to the presumption only to the extent that he or she suffers from heart disease or hypertension that is more severe than any condition existing as of the date of the medical report.

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**Fiscal Summary**

**State Effect:** The bill would not materially affect State government operations

**Local Effect:** Montgomery County is self-insured for workers' compensation. Workers' compensation awards could increase between approximately \$63,000 and \$173,000.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Presumptions of compensable injury exist for heart disease, hypertension, and lung disease for certain public safety employees and first-responders including paid and volunteer firefighters; paid and volunteer firefighting instructors; sworn members of

the Office of the Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State; volunteer rescue squad members; volunteer advanced life support unit members; paid police officers employed by an airport authority, a county, the Maryland-National Capital Park and Planning Commission, a municipality, or the State; or a deputy sheriff of Montgomery County. Deputy sheriffs of Baltimore City and Prince George's County deputy sheriffs and correctional officers have presumptions for heart disease and hypertension to the extent that the heart disease and hypertension are more severe than the individual's heart disease or hypertension before employment. To be eligible for the presumption, the employee must submit to a medical exam to determine if any heart disease or hypertension exists prior to employment.

**Local Expenditures:** Montgomery County workers' compensation claims could increase as a result of this bill between approximately \$63,000 and \$173,000 annually. Montgomery County employs 2,200 personnel covered by the current hypertension and heart disease presumption. Of those employees, annually 30 to 50 claims are paid under that presumption with payments averaging \$15,000 to \$25,000. Assuming similar experience with county correctional officers, the county could experience five to seven new payable claims annually for heart disease and hypertension from that population.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

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

**Fiscal Note History:** First Reader - February 10, 2005  
mp/hlb Revised - House Third Reader - March 25, 2005

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