

(PRE-FILED)

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By: **Delegates Cluster and Boteler**  
 Requested: September 6, 2005  
 Introduced and read first time: January 11, 2006  
 Assigned to: Economic Matters

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A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of extending the presumption of a compensable occupational disease  
5 under workers' compensation law to include Baltimore County deputy sheriffs  
6 who suffer from heart disease or hypertension resulting in partial or total  
7 disability or death under certain circumstances; requiring a Baltimore County  
8 deputy sheriff to submit to a certain medical examination prior to employment  
9 to be eligible for the presumption under this Act; requiring that workers'  
10 compensation benefits received under this Act are in addition to certain  
11 retirement benefits, subject to a certain adjustment; requiring certain Baltimore  
12 County deputy sheriffs employed on or before a certain date to submit a medical  
13 report disclosing certain medical conditions by a certain date as a condition of  
14 continued employment; and generally relating to the occupational disease  
15 presumption under workers' compensation law.

16 BY repealing and reenacting, with amendments,  
17 Article - Labor and Employment  
18 Section 9-503(b) and (e)  
19 Annotated Code of Maryland  
20 (1999 Replacement Volume and 2005 Supplement)

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

23 **Article - Labor and Employment**

24 9-503.

25 (b) (1) A paid police officer employed by an airport authority, a county, the  
26 Maryland-National Capital Park and Planning Commission, a municipality, or the  
27 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
28 subsection, a deputy sheriff of Baltimore City, DEPUTY SHERIFF OF BALTIMORE  
29 COUNTY, Montgomery County correctional officer, Prince George's County deputy

1 sheriff, or Prince George's County correctional officer is presumed to be suffering from  
2 an occupational disease that was suffered in the line of duty and is compensable  
3 under this title if:

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

6 (ii) the heart disease or hypertension results in partial or total  
7 disability or death.

8 (2) (i) A deputy sheriff of Baltimore City, DEPUTY SHERIFF OF  
9 BALTIMORE COUNTY, Montgomery County correctional officer, Prince George's  
10 County deputy sheriff, or Prince George's County correctional officer is entitled to the  
11 presumption under this subsection only to the extent that the individual suffers from  
12 heart disease or hypertension that is more severe than the individual's heart disease  
13 or hypertension condition existing prior to the individual's employment as a deputy  
14 sheriff of Baltimore City, Montgomery County correctional officer, Prince George's  
15 County deputy sheriff, or Prince George's County correctional officer.

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

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

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

41 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
42 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by

1 Section 1 of this Act, a deputy sheriff of Baltimore County who is employed on or  
2 before September 30, 2006:

3 (a) as a condition of continued employment shall provide to the Baltimore  
4 County Sheriff on or before December 31, 2006, a copy of a baseline medical report  
5 disclosing and describing any existing heart disease or hypertension from which the  
6 deputy sheriff may be suffering; and

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

12 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2006.