

(PRE-FILED)

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By: **Delegates Cluster and Boteler**

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Assigned to: Economic Matters

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Committee Report: Favorable

House action: Adopted

Read second time: March 25, 2006

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CHAPTER \_\_\_\_\_

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:

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**Article - Labor and Employment**

2 9-503.

3 (b) (1) A paid police officer employed by an airport authority, a county, the  
4 Maryland-National Capital Park and Planning Commission, a municipality, or the  
5 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
6 subsection, a deputy sheriff of Baltimore City, DEPUTY SHERIFF OF BALTIMORE  
7 COUNTY, Montgomery County correctional officer, Prince George's County deputy  
8 sheriff, or Prince George's County correctional officer is presumed to be suffering from  
9 an occupational disease that was suffered in the line of duty and is compensable  
10 under this title if:

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

13 (ii) the heart disease or hypertension results in partial or total  
14 disability or death.

15 (2) (i) A deputy sheriff of Baltimore City, DEPUTY SHERIFF OF  
16 BALTIMORE COUNTY, Montgomery County correctional officer, Prince George's  
17 County deputy sheriff, or Prince George's County correctional officer is entitled to the  
18 presumption under this subsection only to the extent that the individual suffers from  
19 heart disease or hypertension that is more severe than the individual's heart disease  
20 or hypertension condition existing prior to the individual's employment as a deputy  
21 sheriff of Baltimore City, Montgomery County correctional officer, Prince George's  
22 County deputy sheriff, or Prince George's County correctional officer.

23 (ii) To be eligible for the presumption under this subsection, a  
24 deputy sheriff of Baltimore City, DEPUTY SHERIFF OF BALTIMORE COUNTY,  
25 Montgomery County correctional officer, Prince George's County deputy sheriff, or  
26 Prince George's County correctional officer, as a condition of employment, shall  
27 submit to a medical examination to determine any heart disease or hypertension  
28 condition existing prior to the individual's employment as a deputy sheriff of  
29 Baltimore City, DEPUTY SHERIFF OF BALTIMORE COUNTY, Montgomery County  
30 correctional officer, Prince George's County deputy sheriff, or Prince George's County  
31 correctional officer.

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

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

7       SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the  
8 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by  
9 Section 1 of this Act, a deputy sheriff of Baltimore County who is employed on or  
10 before September 30, 2006:

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

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

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