

Department of Legislative Services
Maryland General Assembly
2006 Session

FISCAL AND POLICY NOTE

Senate Bill 765

(Senator Colburn)

Finance

Economic Matters

Workers' Compensation - Presumptions - Lyme Disease

This bill repeals the requirement that a Department of Natural Resources (DNR) employee must receive any vaccination for Lyme disease required or made available to the employee by DNR to be eligible for the Lyme disease presumption for workers' compensation coverage.

Fiscal Summary

State Effect: Potential insignificant increase in workers' compensation expenditures for a DNR employee who contracts Lyme disease who does not submit to a vaccination, if a vaccine becomes available in the future.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: A DNR employee that is regularly assigned in an outdoor wooded environment who contracts Lyme disease is eligible to be covered for workers' compensation coverage under the presumption that the disease was a result of employment. In order to be eligible for the presumption, the employee must demonstrate that the employee had any Lyme disease vaccination required or made available to the employee by the department, unless it conflicts with religious beliefs and practices.

Background: Lyme disease is an infection that spreads throughout the whole body. The disease begins when a type of bacteria called *Borrelia burgdorferi* enters the skin when a

person is bitten by an infected tick. The bacteria can spread through skin and blood to reach parts of the body far from the tick bite. Incidences of Lyme Disease occur mainly in the northeastern states. Maryland has the seventh highest infection rate in the nation, with 17.4 cases per 100,000 residents.

The Food and Drug Administration (FDA) licensed LYMERix in December 1998, a vaccine to prevent Lyme disease. In January 2001, the FDA held a special session on the safety of the vaccine to review reports that the vaccine may trigger treatment-resistant Lyme arthritis and other chronic arthritic disorders. No conclusion were drawn that the vaccine was unsafe; however, in the summer of 2002, GlaxoSmithKline discontinued manufacturing the vaccine because of poor demand.

State Expenditures: The Injured Workers' Insurance Fund (IWIF) administers the State's workers' compensation program. From 2003 through 2005, IWIF received a total of 430 claims from DNR's park service and police employees. Of these 430 claims, only 68 were in the category that would include Lyme disease. IWIF does not track claims by this specific disease. All 68 cases were for medical treatment only and no lost work-time was involved.

It is assumed that any future impact on workers' compensation expenditures would be insignificant because: (1) there were relatively limited numbers of claims in the past three years that *potentially* related to Lyme disease; (2) the bill will only increase workers' compensation costs if an employee refuses any eligible vaccination; and (3) currently there is no vaccination available.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Uninsured Employers' Fund, Workers' Compensation Commission, Injured Workers' Insurance Fund, Department of Natural Resources, Subsequent Injury Fund, Maryland Insurance Administration, Department of Legislative Services

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