

# HOUSE BILL 615

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By: **Montgomery County Delegation**

Introduced and read first time: February 8, 2007

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Montgomery County Correctional Officers –**  
3 **Medical Report**

4 **MC 706-07**

5 FOR the purpose of clarifying the date on which a Montgomery County correctional  
6 officer is considered to begin eligibility for the presumption for heart disease or  
7 hypertension under certain circumstances; and generally relating to the  
8 application of a certain occupational disease presumption under the workers'  
9 compensation law.

10 BY repealing and reenacting, without amendments,  
11 Article – Labor and Employment  
12 Section 9-503(a), (b), and (e)  
13 Annotated Code of Maryland  
14 (1999 Replacement Volume and 2006 Supplement)

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

17 **Article – Labor and Employment**  
18 9-503.

19 (a) A paid firefighter, paid fire fighting instructor, or sworn member of the  
20 Office of the State Fire Marshal employed by an airport authority, a county, a fire  
21 control district, a municipality, or the State or a volunteer firefighter, volunteer fire

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 fighting instructor, volunteer rescue squad member, or volunteer advanced life  
2 support unit member who is a covered employee under § 9-234 of this title is  
3 presumed to have an occupational disease that was suffered in the line of duty and is  
4 compensable under this title if:

5 (1) the individual has heart disease, hypertension, or lung disease;

6 (2) the heart disease, hypertension, or lung disease results in partial  
7 or total disability or death; and

8 (3) in the case of a volunteer firefighter, volunteer fire fighting  
9 instructor, volunteer rescue squad member, or volunteer advanced life support unit  
10 member, the individual has met a suitable standard of physical examination before  
11 becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life  
12 support unit member.

13 (b) (1) A paid police officer employed by an airport authority, a county,  
14 the Maryland–National Capital Park and Planning Commission, a municipality, or the  
15 State, a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this  
16 subsection, a deputy sheriff of Baltimore City, Montgomery County correctional officer,  
17 Prince George’s County deputy sheriff, or Prince George’s County correctional officer is  
18 presumed to be suffering from an occupational disease that was suffered in the line of  
19 duty and is compensable under this title if:

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

22 (ii) the heart disease or hypertension results in partial or total  
23 disability or death.

24 (2) (i) A deputy sheriff of Baltimore City, Montgomery County  
25 correctional officer, Prince George’s County deputy sheriff, or Prince George’s County  
26 correctional officer is entitled to the presumption under this subsection only to the  
27 extent that the individual suffers from heart disease or hypertension that is more  
28 severe than the individual’s heart disease or hypertension condition existing prior to  
29 the individual’s employment as a deputy sheriff of Baltimore City, Montgomery  
30 County correctional officer, Prince George’s County deputy sheriff, or Prince George’s  
31 County correctional officer.

32 (ii) To be eligible for the presumption under this subsection, a  
33 deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
34 George’s County deputy sheriff, or Prince George’s County correctional officer, as a  
35 condition of employment, shall submit to a medical examination to determine any

1 heart disease or hypertension condition existing prior to the individual's employment  
2 as a deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
3 George's County deputy sheriff, or Prince George's County correctional officer.

4 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
5 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
6 Marshal, paid police officer, paid law enforcement employee of the Department of  
7 Natural Resources, deputy sheriff of Montgomery County, deputy sheriff of Baltimore  
8 City, Montgomery County correctional officer, deputy sheriff of Prince George's  
9 County, or Prince George's County correctional officer who is eligible for benefits  
10 under subsection (a), (b), (c), or (d) of this section shall receive the benefits in addition  
11 to any benefits that the individual is entitled to receive under the retirement system  
12 in which the individual was a participant at the time of the claim.

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That:

20 (a) Notwithstanding the provisions of § 9-503(b)(2) of the Labor and  
21 Employment Article of the Annotated Code of Maryland, a Montgomery County  
22 correctional officer who is employed on or before September 30, 2005:

23 (1) As a condition of continued employment, shall provide to the  
24 Director of the Montgomery County Department of Correction and Rehabilitation, a  
25 copy of a medical report disclosing any heart disease or hypertension that the  
26 correctional officer may be suffering; and

27 (2) Is entitled to the presumption under § 9-503(b) of the Labor and  
28 Employment Article of the Annotated Code of Maryland only to the extent that the  
29 individual suffers from heart disease or hypertension that is more severe than the  
30 individual's heart disease or hypertension condition existing as of the date of the  
31 medical report provided under item (1) of this paragraph.

32 (b) If the medical report provided under paragraph (a)(1) of this section was  
33 from a medical examination taken as a condition of initial employment before the date  
34 of hire, any benefits that the officer is entitled to receive under the provisions of §  
35 9-503(b)(2) of the Labor and Employment Article of the Annotated Code of Maryland  
36 shall be based on the officer's medical condition on the date of hire.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2007.