

HOUSE BILL 1154

K1
HB 1265/05 – ECM

71r2805

By: ~~Delegate Love~~ **Anne Arundel County Delegation**

Introduced and read first time: February 19, 2007

Assigned to: Rules and Executive Nominations

Re-referred to: Economic Matters, February 26, 2007

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2007

CHAPTER _____

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease – Anne Arundel County**
3 **Deputy Sheriffs**

4 FOR the purpose of extending the presumption of a compensable occupational disease
5 under workers' compensation law to include Anne Arundel County deputy
6 sheriffs who suffer from heart disease or hypertension resulting in partial or
7 total disability or death under certain circumstances; requiring that workers'
8 compensation benefits received under this Act are in addition to certain
9 retirement benefits, subject to a certain adjustment; requiring certain Anne
10 Arundel County deputy sheriffs to submit certain medical reports to the Anne
11 Arundel County Sheriff; clarifying language; and generally relating to
12 compensability under workers' compensation law to include Anne Arundel
13 County deputy sheriffs.

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 9–503(b) and (e)
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2006 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Labor and Employment**

4 9–503.

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

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

15 (ii) the heart disease or hypertension results in partial or total
16 disability or death.

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

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

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

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding the
18 provisions of § 9-503(b)(2) of the Labor and Employment Article, as enacted by Section
19 1 of this Act, an Anne Arundel County deputy sheriff who is employed on or before
20 September 30, 2007:

21 (1) as a condition of continued employment, shall provide to the Anne
22 Arundel County Sheriff on or before December 31, 2007, a copy of a baseline medical
23 report disclosing and describing any existing heart disease or hypertension from which
24 the deputy sheriff may be suffering; and

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

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