

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1154
Economic Matters

(Anne Arundel County Delegation)

Finance

Workers' Compensation - Occupational Disease - Anne Arundel County Deputy Sheriffs

This bill provides that an Anne Arundel County deputy sheriff who suffers from heart disease or hypertension that results in partial or total disability or death is presumed to have an occupational disease that is compensable under workers' compensation law, provided that the condition is more severe than the individual's condition existing prior to employment as a deputy sheriff.

Fiscal Summary

State Effect: Potential minimal increase in hearings before the Workers' Compensation Commission due to the eligibility expansion. Any additional workload could be handled with existing resources.

Local Effect: Anne Arundel County expenditures could increase by an estimated \$100,000 to \$200,000 per year, as the county is self-insured for workers' compensation. County revenues would not be affected.

Small Business Effect: None.

Analysis

Bill Summary: To be eligible for the occupational disease presumption, an Anne Arundel County deputy sheriff employed on or before September 30, 2007 must submit a copy of a baseline medical report on or before December 31, 2007 as a condition of future employment. An individual hired as a deputy sheriff on or after October 1, 2007 must submit to a medical examination as a condition of employment.

Workers' compensation benefits due to an Anne Arundel County deputy sheriff are in addition to any benefits to which the officer may be entitled under the commission's retirement system. Total payments from both sources may not exceed the officer's weekly salary.

Current Law: Workers' compensation law provides a presumption of compensable occupational disease for certain classes of public employees who are subject to unusual hazards in the course of their daily activities. These presumptions apply in the following circumstances:

- certain firefighting personnel whose heart disease, hypertension, or lung disease results in partial or total disability or death;
- police officers, correctional officers of Montgomery and Prince George's counties, and deputy sheriffs of Montgomery County, Baltimore City, and Prince George's County whose heart disease or hypertension was demonstrably caused by an individual's employment and results in partial or total disability or death;
- certain firefighting personnel whose leukemia or pancreatic, prostate, rectal, or throat cancer prevents that individual from performing the normal duties of the job; and
- paid law enforcement employees of the Department of Natural Resources who suffer from Lyme disease.

Under these circumstances, covered employees are entitled to workers' compensation benefits in addition to any benefits that the individual is entitled to receive under the retirement system. The weekly total of workers' compensation and retirement benefits may not exceed the weekly salary paid to the individual.

Local Fiscal Effect: An estimated 96 deputy sheriffs in Anne Arundel County would become eligible for workers' compensation benefits under the occupational disease presumption, which could result in one to two additional payable claims each year for heart disease and hypertension. Because the bill requires deputy sheriffs to submit baseline data, a lag of several years is expected before expenditures would increase. Anne Arundel County advises that workers' compensation claims would increase by an estimated \$100,000 to \$200,000 each year, based on the claims experience of county police officers currently covered under the presumption; however, a single death claim could increase expenditures by as much as \$1,000,000 depending on the number of dependents and the length of payments.

Additional Information

Prior Introductions: HB 1265 of 2005, a similar bill, passed the House but the Senate Finance Committee did not take action on the bill.

Cross File: None.

Information Source(s): Anne Arundel County, National Council on Compensation Insurance, Uninsured Employers' Fund, Workers' Compensation Commission, Subsequent Injury Fund, Department of Legislative Services

Fiscal Note History: First Reader - March 20, 2007
nas/jr Revised - House Third Reader - March 27, 2007

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