

Department of Legislative Services
Maryland General Assembly
2007 Session

FISCAL AND POLICY NOTE

House Bill 749

(Montgomery County Delegation and Prince George's
County Delegation)

Economic Matters

Finance

Maryland-National Capital Park and Planning Commission Park Police -
Workers' Compensation - Lyme Disease Presumption
MC/PG 113-07

This bill provides that park police officers of the Maryland-National Capital Park and Planning Commission (M-NCPPC) who suffer from Lyme disease are presumed to have an occupational disease that is compensable under workers' compensation law, provided that the officer was not suffering from Lyme disease prior to being stationed in an outdoor wooded environment.

Workers' compensation benefits due to an M-NCPPC park police officer 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.

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: M-NCPPC expenditures could increase by less than \$100,000 annually. Commission revenues would not be affected.

Small Business Effect: None.

Analysis

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 result in partial or total disability or death;
- police officers (including those employed by M-NCPPC), 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 result 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.

Background: Lyme disease is a bacterial disease that is transmitted by the bite of an infected blacklegged tick. Symptoms include fever, headache, fatigue, and skin rash. Left untreated, Lyme disease may spread to the joints, heart, and nervous system. Most cases, particularly those cases diagnosed soon after transmission of the disease, can be effectively treated with antibiotics.

Lyme disease is most common in New England and the mid-Atlantic region. There were 1,235 reported cases of Lyme disease in Maryland in 2005, equivalent to 22.1 cases per 100,000 residents. This rate of infection is the eighth highest in the nation and nearly three times the national average.

Local Fiscal Effect: M-NCPPC is a bi-county agency that maintains the regional park system in Montgomery and Prince George's counties. The commission is funded with appropriations from the counties' annual operating budgets and is self-insured for workers' compensation costs. M-NCPPC advises that the bill would increase commission expenditures by less than \$100,000 annually. Information on the potential number of employees affected is not available at this time.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Uninsured Employers' Fund, Workers' Compensation Commission, Subsequent Injury Fund, Maryland-National Capital Park and Planning Commission, Centers for Disease Control and Prevention, Department of Legislative Services

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ncs/hlb

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