

Department of Legislative Services
Maryland General Assembly
2009 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1135

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

Economic Matters

Finance

Maryland-National Capital Park and Planning Commission - Workers'
Compensation - Lyme Disease Presumption
MC/PG 103-09

This bill specifies that an employee of the Maryland-National Capital Park and Planning Commission (M-NCPPC) other than a park police officer who suffers from Lyme disease is presumed, if certain criteria are met, to have a compensable occupational disease if he or she did not have the disease before being assigned to work regularly in an outdoor wooded environment.

The bill takes effect October 1, 2009, and remains effective for six years, terminating on September 30, 2015.

Fiscal Summary

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

Local Effect: M-NCPPC expenditures increase minimally beginning in FY 2010 due to a small increase in self-insured risk management costs. Long-term disability payments increase expenses in future years. Commission revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: The presumption only applies if the employee:

- worked for M-NCPPC full-time (and not on a seasonal or intermittent basis) for at least one year prior to filing a claim for workers' compensation;
- was assigned to a position that regularly placed him or her in an outdoor wooded environment for at least one full year before filing the claim; and
- filed the workers' compensation claim on or before the third anniversary of the last date the employee was assigned to a position where he or she worked regularly in an outdoor wooded environment.

Current Law: Chapter 98 of 2008 specifies that M-NCPPC park police officers who suffer from Lyme disease are presumed to have a compensable occupational disease, if the condition was not preexisting. However, the presumption applies only while the officer is assigned to a position that regularly places him or her in an outdoor wooded environment, or for three years following such an assignment.

Workers' compensation law establishes a presumption of compensable occupational disease to certain public employees who are exposed to unusual hazards in the course of their employment. 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 an 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 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 the New England and mid-Atlantic regions. There were more than 2,576 reported cases of Lyme disease in Maryland in 2007. The State's rate of infection is the sixth highest in the nation and more than 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 increases commission expenditures minimally. The potential number of employees affected is not known at this time, but is expected to be small.

Additional Information

Prior Introductions: None.

Cross File: None.

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

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