

# HOUSE BILL 411

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By: **Delegates K. Kelly, Barkley, Barnes, Beitzel, Braveboy, Burns, Clagett, Davis, Frush, Glenn, Hucker, Kramer, Love, McHale, Minnick, Myers, and Vaughn**

Introduced and read first time: January 24, 2014

Assigned to: Economic Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Heart Disease and Hypertension Presumption –**  
3 **State Correctional Officers**

4 FOR the purpose of extending the presumption of compensability under the workers'  
5 compensation law to include, subject to certain conditions, State correctional  
6 officers who suffer from heart disease or hypertension resulting in partial or  
7 total disability or death; requiring State correctional officers to submit certain  
8 medical disclosures to a certain official; providing that, subject to a certain  
9 limitation, workers' compensation benefits received under this Act are in  
10 addition to certain retirement benefits; altering the definition of "public safety  
11 employee" to include State correctional officers for the purposes of determining  
12 certain compensation; providing for the application of this Act; and generally  
13 relating to compensability of State correctional officers under the workers'  
14 compensation law.

15 BY repealing and reenacting, with amendments,  
16 Article – Labor and Employment  
17 Section 9–503(b) and (e) and 9–628(a)  
18 Annotated Code of Maryland  
19 (2008 Replacement Volume and 2013 Supplement)

20 BY repealing and reenacting, without amendments,  
21 Article – Labor and Employment  
22 Section 9–628(h)  
23 Annotated Code of Maryland  
24 (2008 Replacement Volume and 2013 Supplement)

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Labor and Employment**

2 9–503.

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

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

13 (ii) the heart disease or hypertension results in partial or total  
14 disability or death.

15 (2) (i) A deputy sheriff of Anne Arundel County, a deputy sheriff of  
16 Baltimore City, Montgomery County correctional officer, Prince George’s County  
17 deputy sheriff, [or] Prince George’s County correctional officer, **OR STATE**  
18 **CORRECTIONAL OFFICER** is entitled to the presumption under this subsection only  
19 to the extent that the individual suffers from heart disease or hypertension that is  
20 more severe than the individual’s heart disease or hypertension condition existing  
21 prior to the individual’s employment as a deputy sheriff of Anne Arundel County,  
22 deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince  
23 George’s County deputy sheriff, [or] Prince George’s County correctional officer, **OR**  
24 **STATE CORRECTIONAL OFFICER**.

25 (ii) To be eligible for the presumption under this subsection, a  
26 deputy sheriff of Anne Arundel County, a deputy sheriff of Baltimore City,  
27 Montgomery County correctional officer, Prince George’s County deputy sheriff, [or]  
28 Prince George’s County correctional officer, **OR STATE CORRECTIONAL OFFICER**, as  
29 a condition of employment, shall submit to a medical examination to determine any  
30 heart disease or hypertension condition existing prior to the individual’s employment  
31 as a deputy sheriff of Anne Arundel County, deputy sheriff of Baltimore City,  
32 Montgomery County correctional officer, Prince George’s County deputy sheriff, [or]  
33 Prince George’s County correctional officer, **OR STATE CORRECTIONAL OFFICER**.

34 (e) (1) Except as provided in paragraph (2) of this subsection, any paid  
35 firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire  
36 Marshal, paid police officer, paid law enforcement employee of the Department of  
37 Natural Resources, deputy sheriff of Anne Arundel County, park police officer or  
38 employee of the Maryland–National Capital Park and Planning Commission, deputy

1 sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County  
2 correctional officer, deputy sheriff of Prince George’s County, [or] Prince George’s  
3 County correctional officer, **OR STATE CORRECTIONAL OFFICER** who is eligible for  
4 benefits under subsection (a), (b), (c), or (d) of this section or the dependents of those  
5 individuals shall receive the benefits in addition to any benefits that the individual or  
6 the dependents of the individual are entitled to receive under the retirement system in  
7 which the individual was a participant at the time of the claim.

8 (2) The benefits received under this title shall be adjusted so that the  
9 weekly total of those benefits and retirement benefits does not exceed the weekly  
10 salary that was paid to the paid law enforcement employee of the Department of  
11 Natural Resources, a park police officer or employee of the Maryland–National Capital  
12 Park and Planning Commission, firefighter, fire fighting instructor, sworn member of  
13 the Office of the State Fire Marshal, police officer, deputy sheriff, [or] Prince George’s  
14 County or Montgomery County correctional officer, **OR STATE CORRECTIONAL**  
15 **OFFICER.**

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:

18 **Article – Labor and Employment**

19 9–628.

20 (a) In this section, “public safety employee” means:

21 (1) a firefighter, fire fighting instructor, or paramedic employed by:

22 (i) a municipal corporation;

23 (ii) a county;

24 (iii) the State;

25 (iv) the State Airport Authority; or

26 (v) a fire control district;

27 (2) a volunteer firefighter or volunteer ambulance, rescue, or advanced  
28 life support worker who is a covered employee under § 9–234 of this title and who  
29 provides volunteer fire or rescue services to:

30 (i) a municipal corporation;

31 (ii) a county;

32 (iii) the State;

- 1 (iv) the State Airport Authority; or
- 2 (v) a fire control district;
- 3 (3) a police officer employed by:
- 4 (i) a municipal corporation;
- 5 (ii) a county;
- 6 (iii) the State;
- 7 (iv) the State Airport Authority;
- 8 (v) the Maryland–National Capital Park and Planning  
9 Commission; or
- 10 (vi) the Washington Metropolitan Area Transit Authority;
- 11 (4) a Prince George’s County deputy sheriff or correctional officer;
- 12 (5) a Montgomery County deputy sheriff or correctional officer;
- 13 (6) an Allegany County deputy sheriff;
- 14 (7) a Howard County deputy sheriff, but only when the deputy sheriff  
15 is performing law enforcement duties expressly requested, defined, and authorized in  
16 accordance with a written memorandum of understanding executed between the  
17 Howard County Sheriff and other law enforcement agencies; [or]
- 18 (8) an Anne Arundel County deputy sheriff; **OR**
- 19 **(9) A STATE CORRECTIONAL OFFICER.**

20 (h) If a public safety employee is awarded compensation for less than 75  
21 weeks, the employer or its insurer shall pay the public safety employee compensation  
22 at the rate set for an award of compensation for a period greater than or equal to 75  
23 weeks but less than 250 weeks under § 9–629 of this subtitle.

24 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the  
25 provisions of § 9–503(b)(2) of the Labor and Employment Article, a State correctional  
26 officer who is employed on or before September 30, 2014:

27 (1) As a condition of continued employment shall provide to the  
28 Secretary of Public Safety and Correctional Services, or the Secretary’s designee, on or  
29 before December 31, 2014, a copy of a medical report disclosing and describing any

1 existing heart disease or hypertension from which the correctional officer may be  
2 suffering; and

3           (2) Is entitled to the presumption under § 9–503(b) of the Labor and  
4 Employment Article only to the extent that the individual suffers from heart disease  
5 or hypertension that is more severe than the individual’s heart disease or  
6 hypertension condition existing as of the date of the medical report provided under  
7 item (1) of this section.

8           SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 this Act shall  
9 be construed to apply only prospectively and may not be applied or interpreted to have  
10 any effect on or application to any claims arising from events occurring before the  
11 effective date of this Act.

12           SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
13 October 1, 2014.