

SENATE BILL 135

K1

5lr1579
CF 5lr1325

By: **Senator Astle**

Introduced and read first time: January 28, 2015

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Heart Disease and Hypertension Presumption – Anne**
3 **Arundel County Correctional Officers**

4 FOR the purpose of extending the presumption of compensability under the workers'
5 compensation law to include, subject to certain conditions, Anne Arundel County
6 correctional officers who suffer from heart disease or hypertension resulting in
7 partial or total disability or death; requiring Anne Arundel County correctional
8 officers to submit certain medical disclosures to a certain official; providing that,
9 subject to a certain limitation, workers' compensation benefits received under this
10 Act are in addition to certain retirement benefits; altering the definition of "public
11 safety employee" to include Anne Arundel County correctional officers for the
12 purposes of determining certain compensation; providing for the application of
13 certain provisions of this Act; and generally relating to compensability of Anne
14 Arundel County correctional officers under the workers' 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 2014 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 2014 Supplement)

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

27 **Article – Labor and Employment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 9–503.

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

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

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

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

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

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

1 George's County, or Prince George's County correctional officer who is eligible for benefits
2 under subsection (a), (b), (c), or (d) of this section or the dependents of those individuals
3 shall receive the benefits in addition to any benefits that the individual or the dependents
4 of the individual are entitled to receive under the retirement system in which the individual
5 was a participant at the time of the claim.

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

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

16 **Article – Labor and Employment**

17 9–628.

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

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

20 (i) a municipal corporation;

21 (ii) a county;

22 (iii) the State;

23 (iv) the State Airport Authority; or

24 (v) a fire control district;

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

28 (i) a municipal corporation;

29 (ii) a county;

30 (iii) the State;

31 (iv) the State Airport Authority; or

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

18 (h) If a public safety employee is awarded compensation for less than 75 weeks,

19 the employer or its insurer shall pay the public safety employee compensation at the rate

20 set for an award of compensation for a period greater than or equal to 75 weeks but less

21 than 250 weeks under § 9–629 of this subtitle.

22 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the

23 provisions of § 9–503(b)(2) of the Labor and Employment Article, as enacted by Section 1 of

24 this Act, an Anne Arundel County correctional officer who is employed on or before

25 September 30, 2015:

26 (1) As a condition of continued employment shall provide to the Anne

27 Arundel County Sheriff on or before December 31, 2015, a copy of a medical report

28 disclosing and describing any existing heart disease or hypertension from which the

29 correctional officer may be suffering; and

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

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

10 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2015.