

HOUSE BILL 13

K1
HB 563/15 – ECM

(PRE-FILED)

6lr1136

By: **Delegate Buckel**

Requested: November 9, 2015

Introduced and read first time: January 13, 2016

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Heart Disease and Hypertension Presumption – State**
3 **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 officers
6 who suffer from heart disease or hypertension resulting in partial or total disability
7 or death; requiring State correctional officers to submit certain medical disclosures
8 to a certain official; providing that, subject to a certain limitation, workers'
9 compensation benefits received under this Act are in addition to certain retirement
10 benefits; altering the definition of “public safety employee” to include State
11 correctional officers for the purposes of determining certain compensation; providing
12 for the application of this Act; and generally relating to compensability of State
13 correctional officers under the workers' compensation law.

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 9–503(b) and (e) and 9–628(a)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2015 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article – Labor and Employment
21 Section 9–628(h)
22 Annotated Code of Maryland
23 (2008 Replacement Volume and 2015 Supplement)

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

26 **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 **STATE CORRECTIONAL OFFICER**, deputy sheriff of Anne Arundel County, Anne Arundel
6 County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional
7 officer, Prince George’s County deputy sheriff, Prince George’s County correctional officer,
8 or deputy sheriff of Allegany County is presumed to be suffering from an occupational
9 disease that 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 County
15 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
16 Prince George’s County deputy sheriff, [or] Prince George’s County correctional officer, **OR**
17 **STATE CORRECTIONAL OFFICER** is entitled to the presumption under this subsection
18 only to the extent that the individual suffers from heart disease or hypertension that is
19 more severe than the individual’s heart disease or hypertension condition existing prior to
20 the individual’s employment as a deputy sheriff of Anne Arundel County, Anne Arundel
21 County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional
22 officer, Prince George’s County deputy sheriff, [or] Prince George’s County correctional
23 officer, **OR STATE CORRECTIONAL OFFICER**.

24 (ii) To be eligible for the presumption under this subsection, a deputy
25 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
26 Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
27 sheriff, [or] Prince George’s County correctional officer, **OR STATE CORRECTIONAL**
28 **OFFICER**, as a condition of employment, shall submit to a medical examination to
29 determine any heart disease or hypertension condition existing prior to the individual’s
30 employment as a deputy sheriff of Anne Arundel County, Anne Arundel County detention
31 officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince
32 George’s County deputy sheriff, [or] Prince George’s County correctional officer, **OR STATE**
33 **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 Natural
37 Resources, deputy sheriff of Anne Arundel County, Anne Arundel County detention officer,
38 park police officer of the Maryland–National Capital Park and Planning Commission,
39 deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery

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

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

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

17 **Article – Labor and Employment**

18 9–628.

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

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

21 (i) a municipal corporation;

22 (ii) a county;

23 (iii) the State;

24 (iv) the State Airport Authority; or

25 (v) a fire control district;

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

29 (i) a municipal corporation;

30 (ii) a county;

31 (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 Commission;
- 9 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 is
- 15 performing law enforcement duties expressly requested, defined, and authorized in
- 16 accordance with a written memorandum of understanding executed between the Howard
- 17 County Sheriff and other law enforcement agencies;
- 18 (8) an Anne Arundel County deputy sheriff or detention officer; [or]
- 19 (9) a Baltimore County deputy sheriff, but only when the deputy sheriff
- 20 sustains an accidental personal injury that arises out of and in the course and scope of
- 21 performing duties directly related to:
- 22 (i) courthouse security;
- 23 (ii) prisoner transportation;
- 24 (iii) service of warrants;
- 25 (iv) personnel management; or
- 26 (v) other administrative duties; **OR**
- 27 **(10) A STATE CORRECTIONAL OFFICER.**

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

5 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding the
6 provisions of § 9–503(b)(2) of the Labor and Employment Article, a State correctional officer
7 who is employed on or before September 30, 2016:

8 (1) As a condition of continued employment shall provide to the Secretary
9 of Public Safety and Correctional Services, or the Secretary’s designee, on or before
10 December 31, 2016, a copy of a medical report disclosing and describing any existing heart
11 disease or hypertension from which the correctional officer may be suffering; and

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

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

20 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2016.