Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 571   (Senator Bailey, *et al.*)

Finance   Appropriations

Volunteer Fire Company and Rescue Squads - Member Disability and Death Benefits - Appeals Process

This bill establishes an appeals process for a volunteer fire company or volunteer rescue squad member, or a surviving spouse or child if appropriate, who is denied disability or death benefits by the Board of Trustees of the Maryland State Firemen's Association (MSFA). The bill also requires the board to notify a member, or a surviving spouse or child if appropriate, by certified mail of its decision regarding the payment of a disability or death benefit. The bill must be construed to apply retroactively and must be applied to and interpreted to affect any final decision by the Board of Trustees of MSFA regarding the payment of a disability or death benefit made on or after May 1, 2017.

Fiscal Summary

State Effect: The Office of the State Fire Marshal and Maryland Institute for Emergency Medical Services Systems (MIEMSS) can handle the bill's requirements using existing resources. Although the bill may result in additional benefits being paid by MSFA, MSFA is a nonprofit entity that receives a specific amount of grant funding from the State each year regardless of the benefits it pays. Revenues are not affected.

Local Effect: The bill does not directly affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The panel that must oversee the appeals process established by the bill is comprised of the President of MSFA, the State Fire Marshal, and the Executive Director

of MIEMSS. A volunteer fire company or volunteer rescue squad member, or a surviving spouse or child if appropriate, who is denied a disability or death benefit from the board may appeal the decision to this panel.

Within 90 days of the date of service of a notification sent to a member or surviving spouse or child, an appeal must be forwarded to the chair of the board and the president of MSFA by certified mail. When received, the appeal must be promptly forwarded to the members of the appeals panel; the appeal then must be heard, and the final decision made, within 90 days. The president of MSFA must promptly notify the chair of the board and member or surviving spouse or child of any decision made by the appeals panel.

Current Law/Background: Even though MSFA is a private, not-for-profit entity, it is responsible for administering numerous benefits programs for volunteer firefighters, rescue squad personnel, and ambulance personnel. MSFA receives annual grants from the State for both the administration of the program ($200,000 in both fiscal 2017 and 2018) and payment of benefits ($350,000 in both fiscal 2017 and 2018).

Under MSFA's programs, a volunteer fire company or volunteer rescue squad member is eligible for disability benefits if (1) the fire company or rescue squad recommends the member receive benefits and (2) the member is permanently or temporarily disabled in the line of duty. Similarly, the surviving spouse or dependent child of a volunteer fire company or volunteer rescue squad member is eligible for death benefits if the member dies in the line of duty. For both programs, the benefit must be paid by MSFA regardless of the district in which the member died or was disabled, even if that district was located in another state or the District of Columbia.

There is no statutory appeals process in place for a disability or death benefit that is denied by the board.

Additional Information

Prior Introductions: None.

Cross File: HB 1261 (Delegate Morgan, *et al.*) - Appropriations.

Information Source(s): Maryland Municipal League; Department of State Police; Department of Legislative Services

Fiscal Note History: First Reader - February 14, 2019
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