HOUSE BILL 439

By: Delegate Hill
Introduced and read first time: January 20, 2022
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Workers’ Compensation – Occupational Disease Presumptions – 9–1–1 Specialists

FOR the purpose of providing that a 9–1–1 specialist who is diagnosed by a licensed psychologist or psychiatrist with post-traumatic stress disorder is presumed to have an occupational disease that was suffered in the line of duty or in the course of employment and is compensable under workers’ compensation law; and generally relating to occupational disease presumptions under the workers’ compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–301(a) and (n)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Labor and Employment

9–503.

(a) A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, or sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality,
or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
squad member, or volunteer advanced life support unit member who is a covered employee
under § 9–234 of this title is presumed to have an occupational disease that was suffered
in the line of duty and is compensable under this title if:

(1) the individual has heart disease, hypertension, or lung disease;

(2) the heart disease, hypertension, or lung disease results in partial or
total disability or death; and

(3) in the case of a volunteer firefighter, volunteer fire fighting instructor,
voluteer rescue squad member, or volunteer advanced life support unit member, the
individual has met a suitable standard of physical examination before becoming a
firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
member.

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

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

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

(2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
Prince George’s County deputy sheriff, or Prince George’s County correctional officer is
entitled to the presumption under this subsection only to the extent that the individual
suffers from heart disease or hypertension that is more severe than the individual’s heart
disease or hypertension condition existing prior to the individual’s employment as a deputy
sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
sheriff, or Prince George’s County correctional officer.

(ii) To be eligible for the presumption under this subsection, a deputy
sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
Baltimore City, Montgomery County correctional officer, Prince George’s County deputy
sheriff, or Prince George’s County correctional officer, as a condition of employment, shall
submit to a medical examination to determine any heart disease or hypertension condition
existing prior to the individual’s employment as a deputy sheriff of Anne Arundel County,
Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George’s County deputy sheriff, or Prince George’s County correctional officer.

(c) A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, or a sworn member of the Office of the State Fire Marshal employed by an airport authority, a county, a fire control district, a municipality, or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member who is a covered employee under § 9–234 of this title is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if:

(1) the individual has leukemia or prostate, rectal, throat, multiple myeloma, non–Hodgkin’s lymphoma, brain, testicular, bladder, kidney or renal cell, or breast cancer that is caused by contact with a toxic substance that the individual has encountered in the line of duty;

(2) the individual has completed at least 10 years of cumulative service within the State as a firefighter, a fire fighting instructor, a rescue squad member, or an advanced life support unit member or in a combination of those jobs;

(3) the cancer or leukemia results in partial or total disability or death; and

(4) in the case of a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue squad member, or volunteer advanced life support unit member, the individual has met a suitable standard of physical examination before becoming a firefighter, fire fighting instructor, rescue squad member, or advanced life support unit member.

(d) (1) A paid law enforcement employee of the Department of Natural Resources who is a covered employee under § 9–207 of this title and a park police officer of the Maryland–National Capital Park and Planning Commission is presumed to have an occupational disease that was suffered in the line of duty and is compensable under this title if the employee:

(i) is suffering from Lyme disease; and

(ii) was not suffering from Lyme disease before assignment to a position that regularly places the employee in an outdoor wooded environment.

(2) The presumption under this subsection for a park police officer of the Maryland–National Capital Park and Planning Commission shall only apply:

(i) during the time that the park police officer is assigned to a position that regularly places the park police officer in an outdoor wooded environment; and
(ii) for 3 years after the last date that the park police officer was assigned by the Maryland–National Capital Park and Planning Commission to a position that regularly placed the officer in an outdoor wooded environment.

(E) (1) IN THIS SECTION, “9–1–1 SPECIALIST” HAS THE MEANING STATED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.

(2) A 9–1–1 SPECIALIST IS PRESUMED TO BE SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS COMPENSABLE UNDER THIS TITLE IF THE INDIVIDUAL IS DIAGNOSED WITH POST-TRAUMATIC STRESS DISORDER BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST.

[(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any 9-1-1 SPECIALIST, paid firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire Marshal, paid police officer, paid law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, park police officer of the Maryland–National Capital Park and Planning Commission, deputy sheriff of Montgomery County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy sheriff of Prince George’s County, or Prince George’s County correctional officer who is eligible for benefits under subsection (a), (b), (c), [or] (d), OR (E) of this section or the dependents of those individuals shall receive the benefits in addition to any benefits that the individual or the dependents of the individual are entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the 9–1–1 SPECIALIST, paid law enforcement employee of the Department of Natural Resources, a park police officer of the Maryland–National Capital Park and Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, Prince George’s County or Montgomery County correctional officer, or Anne Arundel County detention officer.

Article – Public Safety

1–301.

(a) In this subtitle the following words have the meanings indicated.

(n) “9–1–1 specialist” means an employee of a county public safety answering point, or an employee working in a county public safety answering point, whose duties and responsibilities include:

(1) receiving and processing 9–1–1 requests for emergency services;
(2) other support functions directly related to 9–1–1 requests for emergency services; or

(3) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.