

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 878
Economic Matters

(Carroll County Delegation)

Finance

**Workers' Compensation - Heart Disease and Hypertension Presumption and
Permanent Partial Disability - Carroll County Correctional Deputies**

This bill extends to all Carroll County correctional deputies an occupational disease presumption for heart disease or hypertension that (1) is more severe than their condition existing prior to that employment and (2) results in partial or total disability or death. Accordingly, as a condition of employment, Carroll County correctional deputies must submit to a medical examination to determine any heart disease or hypertension condition existing prior to their employment. The bill also alters the definition of “public safety employee” to include Carroll County correctional deputies, making these individuals eligible for enhanced workers’ compensation benefits. Provisions related to the designation as a “public safety employee” must be construed to apply only prospectively and may not be applied or interpreted to have any effect on, or application to, any claims arising before the bill’s October 1, 2026 effective date.

Fiscal Summary

State Effect: The bill does not directly affect State government operations or finances. Revenues are not affected.

Local Effect: Carroll County expenditures increase beginning in FY 2027 for additional workers’ compensation costs, as discussed below. Revenues are not affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: None.

Analysis

Bill Summary: A Carroll County correctional deputy who is employed on or before September 30, 2026, (1) as a condition of continued employment must provide to the Carroll County Sheriff’s Office, by December 31, 2026, a copy of a medical report disclosing and describing any existing heart disease or hypertension from which the correctional deputy may be suffering and (2) is entitled to the presumption established by the bill only to the extent that the individual suffers from heart disease or hypertension that is more severe than the condition existing as of the date of the medical report provided.

Current Law:

Occupational Disease Presumptions

Workers’ compensation law establishes a presumption of compensable occupational disease for certain public safety employees who are exposed to unusual hazards in the course of their employment. It is assumed that these injuries or diseases are due to the employees’ work and, therefore, require no additional evidence in the filing of a claim for workers’ compensation. As shown below, generally, presumptions are based on particular occupations and their associated health risks.

<u>Type of Personnel/Occupation</u>	<u>Type of Disease</u>
Volunteer and career firefighters, fire fighting instructors, rescue squad members, and advanced life support unit members; fire marshals employed by an airport authority, a county, a fire control district, a municipality, or the State	Heart disease, hypertension, or lung disease that results in partial or total disability or death Leukemia or prostate, rectal, throat, multiple myeloma, non-Hodgkin’s lymphoma, brain, bladder, kidney or renal cell, testicular, breast, thyroid, colon, or ovarian cancer under specified conditions
Police officers; deputy sheriffs, correctional officers, and detention officers of specified counties	Heart disease or hypertension that results in partial or total disability or death
Department of Natural Resources paid law enforcement employees, park police officers of the Maryland-National Capital Park and Planning Commission, forest rangers, park rangers, and wildlife rangers	Lyme disease under specified conditions

A covered employee who receives a presumption is entitled to workers' compensation benefits in addition to any benefits that the individual is entitled to receive under the retirement system in which the individual participated at the time of the claim. However, the weekly total of workers' compensation and retirement benefits may not exceed the weekly salary that was paid to the individual; any necessary adjustment is made against the workers' compensation benefits.

Although statute is silent on the issue, occupational disease presumptions have long been considered rebuttable presumptions. Two court decisions address the use of "is presumed" in reference to occupational diseases in current law, specifying that the term "without contrary qualification, should be read to be a presumption, although rebuttable, of fact." (See *Board of County Commissioners v. Colgan*, 274 Md. 193, 334 A.2d 89 (1975); and *Montgomery County Fire Board v. Fisher*, 53 Md. App. 435, 454 A.2d 394, aff'd, 298 Md. 245, 468 A.2d 625 (1983).) However, the Court of Special Appeals (now the Appellate Court of Maryland) has stated that, "after the last injurious exposure to a hazard and the conclusion of employment the nexus between an occupational disease and an occupation becomes increasingly remote." (See *Montgomery County, Maryland v. Pirrone*, 109 Md. App. 201, 674 A.2d 98 (1996).)

Enhanced Benefits for Public Safety Employees

Normally, an employee who is awarded compensation for a permanent partial disability for a period less than 75 weeks is eligible to receive weekly benefits of one-third of his or her average weekly wage, but that amount may not exceed 16.7% of the State average weekly wage. However, a public safety employee is eligible for enhanced workers' compensation benefits if awarded compensation for less than 75 weeks. In such a case, the employer or its insurer must pay the public safety employee at a compensation rate set for an award period equal to or greater than 75 weeks but less than 250 weeks. Thus, a public safety employee is eligible to receive approximately double the weekly benefits – two-thirds of their average weekly wage, but that amount may not exceed one-third of the State average weekly wage. The [State average weekly wage for 2026](#) is \$1,537.

Deputy sheriffs from the following jurisdictions are considered public safety employees for this purpose: Baltimore City and Allegany, Anne Arundel, Baltimore (under specified circumstances only), Harford, Howard, Montgomery, and Prince George's counties.

State correctional officers and correctional officers or detention officers from the following jurisdictions are considered public safety employees for this purpose: Anne Arundel, Baltimore, Harford, Montgomery, and Prince George's counties.

Local Expenditures:

Enhanced Workers' Compensation Benefits

Carroll County correctional deputies are entitled to enhanced workers' compensation benefits under the bill due to their designation as public safety employees; this benefit is for any claim. While the number of claims made subject to enhancement in any given year cannot be reliably estimated, any expenditures due to this designation could be significant.

Permanent partial disability awards for less than 75 weeks (awards that receive the enhanced benefits) are among the most common types of compensation awards. A public safety employee who receives such an award in calendar 2026 would be entitled to a maximum weekly benefit of \$513 (for a maximum of 74 weeks, for a total of \$37,962); whereas any other employee would be entitled to a maximum weekly benefit of \$257 (for a maximum of 74 weeks, for a total of \$19,018) under the same circumstances. Thus, for each correctional deputy who sustains this type of injury, Carroll County may pay up to \$18,944 more in wage replacement benefits under this provision of the bill.

Occupational Disease Presumption

Any increase in expenditures due to the occupational disease presumption established by the bill depends on how many affected employees qualify in any given year and whether any of those employees would have received workers' compensation for hypertension absent the bill. The number of Carroll County correctional deputies who may benefit from the compensable occupational disease presumption established by the bill cannot be reliably estimated at this time; however, considering the prevalence of heart disease and hypertension in society at large and the stressful nature of the occupation, it is likely that the county becomes responsible for numerous claims annually, and payment of such claims may continue for several years.

Additional Comments: The [U.S. Centers for Disease Control and Prevention](#) estimates that nearly half (48.1%) of all Americans have hypertension, only 22.5% of those adults with hypertension have it under control, and 45% of those with uncontrolled high blood pressure (roughly 37 million adults) have a blood pressure of 140/90 millimeters of mercury or higher.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 449 (Carroll County Senators) - Finance.

Information Source(s): Carroll County; Chesapeake Employers' Insurance Company; Subsequent Injury Fund; Uninsured Employers' Fund; Department of Legislative Services

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