



## Senate Bill 538

### *Workers' Compensation - Occupational Disease Presumptions - Hypertension*

MACo Position:

To: Finance Committee

### **LETTER of INFORMATION**

Date: February 21, 2023

From: Brianna January

The Maryland Association of Counties (MACo) respectfully submits this **LETTER of INFORMATION** on **SB 538**.

SB 538 would greatly alter existing workers' compensation benefits for volunteer and paid firefighters experiencing hypertension, by expanding eligibility and minimizing current requirements. Current law grants volunteer and professional firefighters hypertension as a presumption for worker's compensation, eligible by death or disability. SB 538 would remove that death and disability eligibility requirement and instead grants the benefit even if the claimant is still able to work and even if they choose to continue doing so – a dramatic rethinking of the core notion of workers' compensation.

Furthermore, the bill would only require a basic physical examination to qualify for the benefit, negating the existing presumption that a diagnosis of hypertension is related to the claimant's line of work in firefighting. In doing so, the bill essentially changes the current statute of limitations to claim benefits, making it near impossible to determine when hypertension started and whether it is attributable to firefighting or other factors like genetics and diet, as growing scientific evidence suggests.

Presumably, with the changes under SB 538, counties would experience an influx of volunteer and professional firefighters seeking workers' compensation benefits for hypertension, the vast majority of which would be approved for lifelong benefits under the new eligibility requirements of the bill.

MACo has a long history of opposing establishing presumptions for workers' compensation benefits. Public employers find themselves compensating for lifelong exposures where there is no material evidence to support the workplace as the origin of the illness. Courts have consistently ruled against employers on issues of presumptions, rendering these presumptions effectively irrebuttable. SB 538 would contribute to that imbalance.

As such, counties respectfully ask that the Committee consider the information outlined in this letter when reviewing SB 538.