



Senate Bill 406

Workers' Compensation - Occupational Disease Presumptions - First Responders

MACo Position: **OPPOSE**

To: Finance Committee

Date: February 21, 2023

From: Brianna January

The Maryland Association of Counties (MACo) **OPPOSES** SB 406. This bill would categorize Post-Traumatic Stress Disorder (PTSD) as a presumed occupational disease eligible for workers' compensation for a lengthy list of public sector workers.

County opposition to the bill is not opposition to PTSD claims being determined as work-related and therefore compensable. The opposition is to the bill's presumption of compensability, which would place an undue burden on counties as the major employer of these professions, with potentially staggering fiscal impact on local government. **No state has created this PTSD presumption.**

Maryland's workers' compensation law already creates a nearly "perfect storm" where a series of statutory presumptions prompt consideration of workplace exposures leading to compensability. Maryland's courts have effectively ruled that these presumptions are irrebuttable in compensability proceedings, so the outcome of presumption-related cases is virtually assured. Adding even more tenuous categories to this already biased structure would overburden public employers, causing them to shoulder burden for an even longer list of employee concerns that never arose from the workplace.

Counties honor and support our first responders, who, without question, experience challenging work requirements. However, SB 406 creates an unreasonable and unenforceable standard. The bill skips past the process to determine if an individual suffers from PTSD because of their professional capacity, and instead applies an effectively irrebuttable presumption that all such cases are work-related.

The financial implications of the presumption set by SB 406 would be significant. Not only would SB 406 include PTSD diagnosis as a presumed occupational disease, but it would also include any lingering and permanent conditions related to PTSD. Counties would not only have to approve and pay workers' compensation claims related to diagnosis, but they would also have to do so potentially indefinitely for each claimant. With more staff potentially awarded broadly defined compensated leave under SB 406, local governments would need to hire additional personnel to ensure that law enforcement agencies, 9-1-1 call center staff, firehouses, and emergency response departments are appropriately staffed and resourced at all times, otherwise, Marylanders may experience longer wait times for emergency intake and response. This would make Maryland less safe and would further strain emergency resources at a time when counties are challenged to fully support these functions.

For these reasons, MACo **OPPOSES** SB 406 and urges an **UNFAVORABLE** report.