



House Bill 190

Workers' Compensation - Occupational Disease Presumptions - First Responders

MACo Position: **OPPOSE**

To: Economic Matters Committee

Date: February 28, 2024

From: Brianna January

The Maryland Association of Counties (MACo) **OPPOSES** HB 190. 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. Under Maryland's statutes and case law, this presumption would be effectively irrebuttable.

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 employers of these professions, with potentially staggering fiscal impact on local government.

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 the burden of an even longer list of employee claims – even those that are hard to diagnose and link to professional exposure, like PTSD.

Counties honor and support our first responders, who, without question, experience challenging work requirements. However, HB 190 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 HB 190 would be significant. HB 190 creates a PTSD diagnosis as a presumed occupational disease; it also covers any lingering and permanent conditions related to PTSD. Counties would not only have to approve and pay claims related to PTSD, but they would also potentially have to do so indefinitely for each claimant. With more staff awarded compensated leave under HB 190, local governments would need to hire additional personnel to ensure that law enforcement agencies, 9-1-1 call center staff, firehouses, and emergency response agencies are always fully staffed. Otherwise, Marylanders may experience longer wait times during emergencies. This would make Maryland less safe and would further strain emergency resources. For these reasons, MACo **OPPOSES** HB 190 and urges an **UNFAVORABLE** report.