



Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to House Bill 190

HB 190 proposes to add an occupational disease presumption under Labor and Employment, § 9-503 for “first responders”; including, but not limited to: firefighters (paid and volunteer), emergency medical services providers, rescue squad members, 9-1-1 specialists, law enforcement officers, and correctional officers for post-traumatic stress disorder (hereinafter, “PTSD”) diagnosed by a licensed psychologist or psychiatrist when the employee has completed two years within their role in the State as a first responder, and files a claim while working or within 18 months following separation with the employer.

Of note, Chesapeake Employers' Insurance and the Injured Workers' Insurance Fund have claims for PTSD filed and accepted with benefits paid. This is not limited to “first responders” and is from case law: *Means v. Baltimore County*, 344 Md. 661 (1997), which deals with a paramedic that suffered from PTSD as a result of responding to a severe accident. The Appellate Court of Maryland found that “the Claimant’s PTSD could be reasonably characterized as due to the general character of her employment as a paramedic.” In summary, the Court found that PTSD may be compensable as an occupational disease under the Workers’ Compensation Act in Maryland, and Chesapeake Employers’ Insurance and the Injured Workers’ Insurance Fund have responded accordingly. Additionally, due to the liberal application of *Belcher v. T. Rowe Price*, 329 Md. 709 (1992), Chesapeake Employers’ Insurance and the Injured Workers’ Insurance Fund also have PTSD claims for specific situations filed as an accidental injury. Of note, there is no requirement of a specific length of time in the employment or separation from the employment (outside of standard statute of limitation filings per the workers’ compensation statute) in order to file a claim for PTSD as an occupational disease or an accidental injury.

Based upon the case law described above, from 2018 to 2023, Chesapeake Employer’s Insurance and the Injured Workers’ Insurance Fund have 328 claims in which PTSD is in the accident/occupational disease description or have a paid medical bill with a PTSD diagnosis. Approximately 180 of the total claims above fit into the “first responders” as defined in House Bill 190.

Finally, as with other presumptions, we can expect an increase of claims due to this addition to the statute, despite PTSD already being a compensable condition via case law, thereby significantly increasing the fiscal impact to state and local governments.

Given that PTSD is already a compensable condition via case law for all employees eligible for workers' compensation in the State of Maryland, without a requirement of a specific length of time in the employment or separation from the employment, Chesapeake Employers' Insurance Company and the Injured Workers' Insurance Fund must respectfully oppose House Bill 190.

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