

MTA Favorable HB 190 2-28-2024.pdf

Uploaded by: Jenna Sublett

Position: FAV



M a r y l a n d Troopers Association



INCORPORATED 1979

February 28, 2024

The Honorable Chair CT Wilson and Members of the Economic Matters Committee

**RE: HB 190 - Workers' Compensation - Occupational Disease Presumptions -
First Responders**

POSITION: SUPPORT

The Maryland Troopers Association (MTA) has a membership strength of approximately 2,629 members of which 1,120 are active sworn Troopers involved in traffic and criminal enforcement throughout the State of Maryland.

We support House Bill 190 because we believe it would ensure that law enforcement officers would be correctly compensated under the workers compensation law for a diagnosis of post-traumatic stress disorder. Troopers face extremely stressful situations daily - a stress that most citizens could not handle. Being that PTSD is derived from their occupation, we believe it is warranted and justified for first responders to be able to receive workers compensation from this diagnosis.

Therefore, the Maryland Troopers Association supports HB 190 and requests a favorable report.

Brian Blubaugh
President
Maryland Troopers Association

1300 REISTERSTOWN ROAD, PIKESVILLE, MARYLAND 21208 (410) 653-3885 1-800-TROOPER

E-mail: info@mdtroopers.org

Member of National Troopers Coalition

HB190.pdf

Uploaded by: Mike McKay

Position: FAV

MIKE MCKAY
Legislative District 1
Garrett, Allegany, and Washington Counties



James Senate Office Building
11 Bladen Street, Room 416
Annapolis, Maryland 21401
410-841-3565 • 301-858-3565
800-492-7122 Ext. 3565
Mike.McKay@senate.state.md.us

Judicial Proceedings Committee
Executive Nominations Committee

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

February 12, 2024

RE: Fire/EMS Coalition Support for House Bill 190

Dear Chairman Wilson, Vice Chair Crosby, and Members of the Committee,

The Fire/EMS Coalition would like to express their support for House Bill 190: Workers' Compensation - Occupational Disease Presumptions - First Responders. The bill will stipulate that a first responder who is diagnosed by a licensed psychologist or psychiatrist with post-traumatic stress disorder is presumed under certain circumstances to have an occupational disease that was suffered in the line of duty and is compensable under workers' compensation law.

According to the Substance Abuse and Mental Health Services Administration (SAMHSA), roughly 1 in 3 first responders develop PTSD during their careers. PTSD is a major mental health hurdle for our state's first responders. This bill would ease this hurdle for our valued first responders.

The Fire/EMS Coalition supports House Bill 190 as it will be beneficial to all emergency personnel in Maryland as they would be better able to provide for themselves and their families in case of long-term mental health issues directly related to their work. The Coalition supports this measure to protect just compensation for first responders and their families.

Sincerely,

A handwritten signature in black ink that reads "Mike McKay".

Senator Mike McKay
Representing the Appalachia Region of Maryland
Serving Garrett, Allegany, and Washington Counties

Voting Organizations:
Maryland Fire Chief's Association (MFCA)
Maryland State Firemen's Association (MSFA)

State Fire Marshal (OSFM)
Maryland Fire Rescue Institute (MFRI)
Maryland Institute for Emergency Medical Services System (MIEMMS)
Metro Fire Chief's Association
Professional Firefighters of Maryland

Our Mission Statement

The Maryland Fire/EMS Coalition unites Republicans and Democrats in support of fire/emergency services legislation that benefit all first responders. Becoming a member does not require taking positions on legislation; rather Coalition members are asked to offer support in a way that best benefits fire/emergency services in their respective Legislative Districts.

HB190 testimony.pdf

Uploaded by: Robert Phillips

Position: FAV

MARYLAND STATE FIREMEN'S ASSOCIATION

REPRESENTING THE VOLUNTEER FIRE, RESCUE, AND EMS PERSONNEL OF MARYLAND.



Robert P. Phillips

Chairman

Legislative Committee

17 State Circle

Annapolis, MD 21401

email: rfcchief48@gmail.com

cell: 443-205-5030

Office: 410-974-2222

HB 190: Workers' Compensation – Occupational Disease Presumptions – First Responders

My name is Robert Phillips, I am the Legislative Committee Chair for the Maryland State Firefighters Association (MSFA). The MSFA represents the 25,000 plus volunteer Fire/EMS and Rescue first responders across the state.

I wish to present testimony in favor of House Bill 190: Workers' Compensation – Occupational Disease Presumptions – First Responders

The MSFA fully supports the adoption of this bill. We have seen first hand the toll that is taken mentally on our volunteer and career firefighter on a daily basis. We in the fire service have made many changes in the way we approach the emergencies that we are called to on a daily basis. At one time we had one of the highest fatality rates in all of industry. We have been able to lower our fatality rates to historic lows due to our efforts. The sad fact now is that we are losing more of our members to self inflicted suicide than we lose to response issues. We need for our members to be diagnosed and treated at an earlier time and that our working environment is the primary reason for this trend. PTSD is a real problem and we need real help with treating it and acknowledging that it is a workplace issue.

I thank the committee for their time and attention to this important bill and ask that you vote favorable on House Bill 190.

I will now be glad to answer any questions, or my contact information is listed above and welcome any further inquiries you might have.

HB0190 Testimony.pdf

Uploaded by: Sarah Paul

Position: FAV



Statement of Maryland Rural Health Association (MRHA)

To Economic Matters Committee

Chair: Delegate C. T. Wilson

February 26, 2024

House Bill 0190: Workers' Compensation - Occupational Disease Presumptions - First Responders

POSITION: SUPPORT

Chair Wilson, Vice Chair Crosby, and members of the committee, the Maryland Rural Health Association (MRHA) is in SUPPORT of House Bill 0190: Workers' Compensation - Occupational Disease Presumptions - First Responders.

First responders are an integral part of keeping our communities safe. Serving as a first responder is highly honorable, but with such honor and courage, comes hardships. Over 80% of all responders have endured traumatic events while on duty, which takes a toll on both the body and mind. One commonly seen mental health condition in first responders is post-traumatic stress disorder (PTSD). Due to the high rates of chronic stress and traumatic experiences with little time for recovery between events, the prevalence of PTSD in first responders is considerably higher than the general population. According to the Institute of Health, 1 in 3 first responders develop PTSD, while the average American has only a 1 in 5 chance of developing the disorder (n.d.). PTSD can be debilitating and can make it difficult for first responders to do their job properly. Strained relationships, unhealthy coping mechanisms, avoidance, shame, chronic pain, and suicide are only a few of many consequences that can come with untreated PTSD. First responders with an untreated mental illness including PTSD can result in inadequate critical thinking skills, poor situational awareness, low levels of confidence and clouded judgment; all skills which every first responder must use every day in their practice. There are existing programs and educational campaigns that target this exact issue, yet utilization of behavioral health services remains low among first responders. If resources exist, then why are first responders underusing these services? According to the Journal of Psychiatric Research, leading barriers for first responders seeking behavioral health care included but were not limited to fear of judgment from peers and leadership, fear of services lacking confidentiality, difficulty getting time off of work, and not knowing where to receive services. When participants were asked if the public stigma or their personal stigma has a larger influence on their decision to seek out care, nearly all participants chose the public stigma (Haugen et al., 2017). Before one can properly care for others, they must care for themselves first. Considering the influence of the public stigma on mental health over first responders, adding PTSD as an occupational disease under the correct circumstances, it not only encourages the individual to seek out care but also provides them with the financial means and availability to do so. The enactment of HB0190 will reduce the barriers first responders too often face when seeking out behavioral health care. Because of this, the Maryland Rural Health Association is in favor of HB0190.

*On behalf of the Maryland Rural Health Association,
Jonathan Dayton, MS, NREMT, CNE, Executive Director
jdayton@mdruralhealth.org*

Institutes of Health. (n.d.). PTSD in fire responders.

<https://institutesofhealth.org/ptsd-in-first-responders/#:~:text=According%20to%20the%20Substance%20Abuse,3%20first%20responders%20develop%20PTSD>

Haugen, P. T., McCrillis, A. M., Smid, G. E., & Nijdan, M. J. (2017). Mental health stigma and barriers to mental health care for first responders: A systematic review and meta-analysis. *Journal of Psychiatric Research*. 94. <http://dx.doi.org/10.1016/j.psychires.2017.08.001>

2024 Workers Comp Bill - HB0190F.pdf

Uploaded by: Terri Hill

Position: FAV

HOUSE BILL 190

K1
HB 335/23 – ECM

(PRE-FILED)

4r1274
CF 4r1275

By: **Delegate Hill**

Requested: October 30, 2023

Introduced and read first time: January 10, 2024

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – First**
3 **Responders**

4 FOR the purpose of providing that a first responder who is diagnosed by a licensed
5 psychologist or psychiatrist with post-traumatic stress disorder is presumed under
6 certain circumstances to have an occupational disease that was suffered in the line
7 of duty and is compensable under workers' compensation law; specifying that the
8 presumption does not limit any other right or claim an individual may have under
9 workers' compensation law; and generally relating to occupational disease
10 presumptions under the workers' compensation law.

11 BY repealing and reenacting, without amendments,
12 Article – Education
13 Section 13–516(a)(1) and (7)
14 Annotated Code of Maryland
15 (2022 Replacement Volume and 2023 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – Labor and Employment
18 Section 9–503
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2023 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 **Article – Education**

24 13–516.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) (1) In this section the following words have the meanings indicated.

2 (7) "Emergency medical services provider" means an individual licensed or
3 certified by the EMS Board as:

4 (i) A cardiac rescue technician;

5 (ii) An emergency medical dispatcher;

6 (iii) An emergency medical responder;

7 (iv) An emergency medical technician; or

8 (v) A paramedic.

9 **Article – Labor and Employment**

10 9–503.

11 (a) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
12 paid advanced life support unit member, or sworn member of the Office of the State Fire
13 Marshal employed by an airport authority, a county, a fire control district, a municipality,
14 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
15 squad member, or volunteer advanced life support unit member who is a covered employee
16 under § 9–234 of this title is presumed to have an occupational disease that was suffered
17 in the line of duty and is compensable under this title if:

18 (1) the individual has heart disease, hypertension, or lung disease;

19 (2) the heart disease, hypertension, or lung disease results in partial or
20 total disability or death; and

21 (3) in the case of a volunteer firefighter, volunteer fire fighting instructor,
22 volunteer rescue squad member, or volunteer advanced life support unit member, the
23 individual has met a suitable standard of physical examination before becoming a
24 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
25 member.

26 (b) (1) A paid police officer employed by an airport authority, a county, the
27 Maryland–National Capital Park and Planning Commission, a municipality, or the State,
28 a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a
29 deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy
30 sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County
31 deputy sheriff, Prince George's County correctional officer, or deputy sheriff of Allegany
32 County is presumed to be suffering from an occupational disease that was suffered in the
33 line of duty and is compensable under this title if:

1 (i) the police officer, deputy sheriff, or correctional officer is
2 suffering from heart disease or hypertension; and

3 (ii) the heart disease or hypertension results in partial or total
4 disability or death.

5 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
6 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
7 Prince George's County deputy sheriff, or Prince George's County correctional officer is
8 entitled to the presumption under this subsection only to the extent that the individual
9 suffers from heart disease or hypertension that is more severe than the individual's heart
10 disease or hypertension condition existing prior to the individual's employment as a deputy
11 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
12 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
13 sheriff, or Prince George's County correctional officer.

14 (ii) To be eligible for the presumption under this subsection, a deputy
15 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
16 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
17 sheriff, or Prince George's County correctional officer, as a condition of employment, shall
18 submit to a medical examination to determine any heart disease or hypertension condition
19 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,
20 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
21 County correctional officer, Prince George's County deputy sheriff, or Prince George's
22 County correctional officer.

23 (c) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
24 paid advanced life support unit member, or a sworn member of the Office of the State Fire
25 Marshal employed by an airport authority, a county, a fire control district, a municipality,
26 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
27 squad member, or volunteer advanced life support unit member who is a covered employee
28 under § 9-234 of this title is presumed to be suffering from an occupational disease that
29 was suffered in the line of duty and is compensable under this title if:

30 (1) the individual has leukemia or prostate, rectal, throat, multiple
31 myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell, or
32 breast cancer that is caused by contact with a toxic substance that the individual has
33 encountered in the line of duty;

34 (2) the individual has completed at least 10 years of cumulative service
35 within the State as a firefighter, a fire fighting instructor, a rescue squad member, or an
36 advanced life support unit member or in a combination of those jobs;

37 (3) the cancer or leukemia results in partial or total disability or death; and

38 (4) in the case of a volunteer firefighter, volunteer fire fighting instructor,
39 volunteer rescue squad member, or volunteer advanced life support unit member, the

1 individual has met a suitable standard of physical examination before becoming a
2 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
3 member.

4 (d) (1) A forest ranger, park ranger, wildlife ranger, paid law enforcement
5 employee of the Department of Natural Resources who is a covered employee under §
6 9–207 of this title, and a park police officer of the Maryland–National Capital Park and
7 Planning Commission is presumed to have an occupational disease that was suffered in the
8 line of duty and is compensable under this title if the individual:

9 (i) is suffering from Lyme disease; and

10 (ii) was not suffering from Lyme disease before assignment to a
11 position that regularly places the employee in an outdoor wooded environment.

12 (2) The presumption under this subsection for a park police officer of the
13 Maryland–National Capital Park and Planning Commission shall only apply:

14 (i) during the time that the park police officer is assigned to a
15 position that regularly places the park police officer in an outdoor wooded environment;
16 and

17 (ii) for 3 years after the last date that the park police officer was
18 assigned by the Maryland–National Capital Park and Planning Commission to a position
19 that regularly placed the officer in an outdoor wooded environment.

20 (E) (1) IN THIS SECTION, “FIRST RESPONDER” MEANS:

21 (I) A FIREFIGHTER;

22 (II) AN EMERGENCY MEDICAL SERVICES PROVIDER, AS
23 DEFINED IN § 13–516 OF THE EDUCATION ARTICLE;

24 (III) A RESCUE SQUAD MEMBER;

25 (IV) A SWORN MEMBER OF THE OFFICE OF THE STATE FIRE
26 MARSHAL;

27 (V) A MEMBER OF A VOLUNTEER FIRE OR RESCUE COMPANY
28 WHO IS A COVERED EMPLOYEE UNDER § 9–234 OF THIS TITLE;

29 (VI) A 9–1–1 SPECIALIST;

30 (VII) A LAW ENFORCEMENT OFFICER; OR

1 (VIII) A CORRECTIONAL OFFICER.

2 (2) FOR PURPOSES OF THE DIAGNOSIS AND TREATMENT OF
3 POST-TRAUMATIC STRESS DISORDER, A FIRST RESPONDER IS PRESUMED TO BE
4 SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF
5 DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

6 (I) THE INDIVIDUAL IS DIAGNOSED WITH POST-TRAUMATIC
7 STRESS DISORDER BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST;

8 (II) AT THE TIME OF DIAGNOSIS, THE INDIVIDUAL HAS
9 COMPLETED AT LEAST 2 YEARS OF CUMULATIVE SERVICE WITHIN THE STATE AS A
10 FIRST RESPONDER; AND

11 (III) THE CLAIM IS FILED WHILE THE INDIVIDUAL IS EMPLOYED
12 AS A FIRST RESPONDER OR WITHIN 18 MONTHS IMMEDIATELY FOLLOWING
13 SEPARATION FROM EMPLOYMENT AS A FIRST RESPONDER.

14 (3) THE PRESUMPTION UNDER THIS SUBSECTION DOES NOT LIMIT
15 ANY OTHER RIGHT AN INDIVIDUAL MAY HAVE, OR CLAIM AN INDIVIDUAL MAY BRING,
16 UNDER THIS SUBTITLE.

17 [(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any **FIRST**
18 **RESPONDER**, paid firefighter, paid fire fighting instructor, sworn member of the Office of
19 the State Fire Marshal, paid police officer, forest ranger, park ranger, wildlife ranger, paid
20 law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne
21 Arundel County, Anne Arundel County detention officer, park police officer of the
22 Maryland-National Capital Park and Planning Commission, deputy sheriff of Montgomery
23 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy
24 sheriff of Prince George's County, or Prince George's County correctional officer who is
25 eligible for benefits under subsection (a), (b), (c), [or] (d), **OR (E)** of this section or the
26 dependents of those individuals shall receive the benefits in addition to any benefits that
27 the individual or the dependents of the individual are entitled to receive under the
28 retirement system in which the individual was a participant at the time of the claim.

29 (2) The benefits received under this title shall be adjusted so that the
30 weekly total of those benefits and retirement benefits does not exceed the weekly salary
31 that was paid to an individual specified under paragraph (1) of this subsection.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2024.

HB0190 WC Testimony - Del Hill - FINAL 02262024.pd

Uploaded by: Terri Hill

Position: FAV

TERRI L. HILL, M.D.

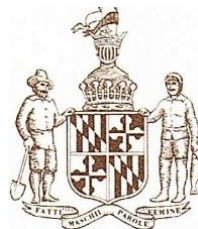
Legislative District 12A

Howard County

**Health and Government Operations
Committee**

Subcommittees

Government Operations and
Health Facilities
Public Health and Minority
Health Disparities



**THE MARYLAND HOUSE OF
DELEGATES**

ANNAPOLIS, MARYLAND 21401

**The Maryland House of
Delegates**

Annapolis Office

6 Bladen Street, Room 404
Annapolis, Maryland 21401

410-841-3378 | 301-858-3378
800-492-7122 Ext. 3378

Fax 410-841-3197 | 301-858-3197
Terri.Hill@house.state.md

February 28, 2024

SUPPORT

HB190 – 9-1-1 Specialists - Workers' Compensation and Attrition

Chair Wilson, Vice Chair Crosby, and Members of the Economic Matters Committee,

HB190 would designate Post-Traumatic Stress Disorder (PTSD) as a presumptive job-related injury under Worker's Compensation for Public Service Access (PSAP) personnel, also known as 9-1-1 specialists. Establishing PTSD as a presumptive diagnosis ensures that 9-1-1 specialists receive appropriate interventions earlier, thus reducing the period of disability, lessening the severity of PTSD symptoms, mitigating burnout risks, improving employee retention, and lowering costs associated with personnel hiring, recruitment, and onboarding.

9-1-1 specialists constitute a category of first responders for whom the incidence of PTSD is significant and challenging to prove due to their diagnosis typically resulting from repetitive and cumulative trauma, primarily from auditory exposure in a remote location away from the incident. In contrast, police, firefighters, and Emergency Medical Technicians often attribute their diagnoses to singular, extraordinary traumatic events, readily visualized due to their shocking nature. While it is understood that the emotional-psychological impact of such singular events is linked to cumulative experiences, PTSD diagnoses surrounding a specific event are more readily understandable.

The challenging nature of the 9-1-1 specialists' position becomes apparent when considering 9-1-1 calls reported in the media, illustrating why an estimated 18-24% of 9-1-1 operators have PTSD. As the public, we catch glimpses of 9-1-1 operators handling emergencies, assessing situations, and ensuring timely responses. While our admiration is appreciated, it offers little solace when emotional-psychological symptoms emerge.

PTSD, especially without medical treatment and therapy, leads to other chronic health issues, including depression, anxiety, increased suicide risk, burnout, despondency, stress headaches, substance misuse and dependence, cardiovascular disease, diabetes, and musculoskeletal disorders, which are well-documented. Common misconceptions, such as assuming professionals easily manage job-related stresses and that PTSD requires witnessing, not just hearing, traumatic events, are flawed. This has led to unfair denial of job-related compensation for those impacted. Relevant information is available in the resources provided below.

[MANAGEMENT: 911 for Emergency Dispatchers | icma.org.](#)

[The Campaign To Get 911 Dispatchers Workers' Comp For PTSD](#)

[New Colo. law expands workers' compensation for 911 dispatchers](#)

Under **HB190**, PSAP presumption for PTSD requires:

- The individual is diagnosed with PTSD by a licensed psychologist or psychiatrist.
- At the time of diagnosis, the individual has completed at least two years of cumulative service within the state as a first responder.
- The claim is filed while the individual is employed as a first responder or within 18 months immediately following separation from employment as a first responder.

Additionally, to assess the efficacy of the presumption and evaluate whether granting it to other first responders would improve overall health, job satisfaction, work performance, and retention rates for these valued, highly trained, and highly skilled professionals, the Maryland Department of Emergency Management shall submit a report to the General Assembly, comparing the rate of attrition for all 9-1-1 specialists over two periods before and the years immediately following the bill going into effect.

The granting of presumption does not restrict any other rights or claims an individual may have under this subtitle. Benefit adjustments ensure that the combined weekly total of benefits and retirement benefits doesn't surpass the weekly salary. Supported by data, it's the right thing to do for those we rely on for the safety of our families, constituents, and communities.

Supported by data, it's the right thing to do for those we want for the safety of our families, constituents, and communities.

I ask for a favorable report on **HB190**.

A handwritten signature in black ink, appearing to be "D. P. ...", written in a cursive style.

HB190 Workers Comp - REPRINT with Amendment 313525

Uploaded by: Terri Hill

Position: FAV

UNOFFICIAL COPY OF HOUSE BILL 190

K1
HB 335/23 - ECM
HOUSE BILL 190
(PRE-FILED)

4lr1274
CF 4lr1275

By: **Delegate Hill**
Requested: October 30, 2023
Introduced and read first time: January 10, 2024
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 ~~Workers' Compensation—Occupational Disease Presumptions—First~~
3 ~~Responders~~ 9-1-1 Specialists - Workers' Compensation and Attrition
4 Study

4 FOR the purpose of providing that a ~~first responder~~ 9-1-1 specialist who is diagnosed by a licensed
5 psychologist or psychiatrist with post-traumatic stress disorder is presumed under
6 certain circumstances to have an occupational disease that was suffered in the line
7 of duty and is compensable under workers' compensation law; specifying that the
8 presumption does not limit any other right or claim an individual may have under
9 workers' compensation law; requiring the Maryland Department of Emergency Management, on or before a
10 certain date, to submit a report to the General Assembly that compares the rate of attrition for 9-1-1
11 specialists during certain periods of time; and generally relating to ~~occupational disease~~
12 presumptions under the workers' compensation law 9-1-1 specialists.

11 ~~BY repealing and reenacting, without amendments,~~
12 ~~Article - Education~~
13 ~~Section 13-516(a)(1) and (7)~~
14 ~~Annotated Code of Maryland~~
15 ~~(2022 Replacement Volume and 2023 Supplement)~~

16 BY repealing and reenacting, with amendments,
17 Article - Labor and Employment
18 Section 9-503
19 Annotated Code of Maryland
20 (2016 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,
Article - Public Safety
Section 1-301(a) and (o)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
22 That the Laws of Maryland read as follows:

23 ~~Article - Education~~

24 ~~13-516.~~

2

UNOFFICIAL COPY OF HOUSE BILL 190

1 ~~(a) (1) In this section the following words have the meanings indicated:~~

2 ~~(7) "Emergency medical services provider" means an individual licensed or~~
3 ~~certified by the EMS Board as:~~

4 ~~(i) A cardiac rescue technician;~~

5 ~~(ii) An emergency medical dispatcher;~~

6 ~~(iii) An emergency medical responder;~~

7 ~~(iv) An emergency medical technician; or~~

8 ~~(v) A paramedic.~~

9 **Article - Labor and Employment**

10 9-503.

11 (a) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
12 paid advanced life support unit member, or sworn member of the Office of the State Fire
13 Marshal employed by an airport authority, a county, a fire control district, a municipality,
14 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
15 squad member, or volunteer advanced life support unit member who is a covered employee
16 under § 9-234 of this title is presumed to have an occupational disease that was suffered
17 in the line of duty and is compensable under this title if:

18 (1) the individual has heart disease, hypertension, or lung disease;

19 (2) the heart disease, hypertension, or lung disease results in partial or
20 total disability or death; and

21 (3) in the case of a volunteer firefighter, volunteer fire fighting instructor,
22 volunteer rescue squad member, or volunteer advanced life support unit member, the
23 individual has met a suitable standard of physical examination before becoming a
24 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
25 member.

26 (b) (1) A paid police officer employed by an airport authority, a county, the
27 Maryland-National Capital Park and Planning Commission, a municipality, or the State,
28 a deputy sheriff of Montgomery County, or, subject to paragraph (2) of this subsection, a
29 deputy sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy
30 sheriff of Baltimore City, Montgomery County correctional officer, Prince George's County
31 deputy sheriff, Prince George's County correctional officer, or deputy sheriff of Allegany
32 County is presumed to be suffering from an occupational disease that was suffered in the
33 line of duty and is compensable under this title if:

3

UNOFFICIAL COPY OF HOUSE BILL 190

1 (i) the police officer, deputy sheriff, or correctional officer is
2 suffering from heart disease or hypertension; and

3 (ii) the heart disease or hypertension results in partial or total
4 disability or death.

5 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
6 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
7 Prince George's County deputy sheriff, or Prince George's County correctional officer is
8 entitled to the presumption under this subsection only to the extent that the individual
9 suffers from heart disease or hypertension that is more severe than the individual's heart
10 disease or hypertension condition existing prior to the individual's employment as a deputy
11 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
12 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
13 sheriff, or Prince George's County correctional officer.

14 (ii) To be eligible for the presumption under this subsection, a deputy
15 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
16 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
17 sheriff, or Prince George's County correctional officer, as a condition of employment, shall
18 submit to a medical examination to determine any heart disease or hypertension condition
19 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,
20 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
21 County correctional officer, Prince George's County deputy sheriff, or Prince George's
22 County correctional officer.

23 (c) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
24 paid advanced life support unit member, or a sworn member of the Office of the State Fire
25 Marshal employed by an airport authority, a county, a fire control district, a municipality,
26 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
27 squad member, or volunteer advanced life support unit member who is a covered employee
28 under § 9-234 of this title is presumed to be suffering from an occupational disease that
29 was suffered in the line of duty and is compensable under this title if:

30 (1) the individual has leukemia or prostate, rectal, throat, multiple
31 myeloma, non-Hodgkin's lymphoma, brain, testicular, bladder, kidney or renal cell, or
32 breast cancer that is caused by contact with a toxic substance that the individual has
33 encountered in the line of duty;

34 (2) the individual has completed at least 10 years of cumulative service
35 within the State as a firefighter, a fire fighting instructor, a rescue squad member, or an
36 advanced life support unit member or in a combination of those jobs;

37 (3) the cancer or leukemia results in partial or total disability or death; and

38 (4) in the case of a volunteer firefighter, volunteer fire fighting instructor,
39 volunteer rescue squad member, or volunteer advanced life support unit member, the

4

UNOFFICIAL COPY OF HOUSE BILL 190

1 individual has met a suitable standard of physical examination before becoming a
 2 firefighter, fire fighting instructor, rescue squad member, or advanced life support unit
 3 member.

4 (d) (1) A forest ranger, park ranger, wildlife ranger, paid law enforcement
 5 employee of the Department of Natural Resources who is a covered employee under §
 6 9-207 of this title, and a park police officer of the Maryland-National Capital Park and
 7 Planning Commission is presumed to have an occupational disease that was suffered in the
 8 line of duty and is compensable under this title if the individual:

9 (i) is suffering from Lyme disease; and

10 (ii) was not suffering from Lyme disease before assignment to a
 11 position that regularly places the employee in an outdoor wooded environment.

12 (2) The presumption under this subsection for a park police officer of the
 13 Maryland-National Capital Park and Planning Commission shall only apply:

14 (i) during the time that the park police officer is assigned to a
 15 position that regularly places the park police officer in an outdoor wooded environment;
 16 and

17 (ii) for 3 years after the last date that the park police officer was
 18 assigned by the Maryland-National Capital Park and Planning Commission to a position
 19 that regularly placed the officer in an outdoor wooded environment.

20 (E) (1) **IN THIS SECTION, "~~FIRST RESPONDER~~" MEANS:**

21 ~~(I) A FIREFIGHTER;~~

22 ~~(II) AN EMERGENCY MEDICAL SERVICES PROVIDER, AS~~
 23 ~~DEFINED IN § 13-516 OF THE EDUCATION ARTICLE;~~

24 ~~(III) A RESCUE SQUAD MEMBER;~~

25 ~~(IV) A SWORN MEMBER OF THE OFFICE OF THE STATE FIRE~~
 26 ~~MARSHAL;~~

27 ~~(V) A MEMBER OF A VOLUNTEER FIRE OR RESCUE COMPANY~~
 28 ~~WHO IS A COVERED EMPLOYEE UNDER § 9-234 OF THIS TITLE;~~

29 ~~(VI) A 9-1-1 SPECIALIST;~~

30 ~~(VII) A LAW ENFORCEMENT OFFICER; OR~~

5

UNOFFICIAL COPY OF HOUSE BILL 190

1 ~~(VIII) A CORRECTIONAL OFFICER~~, "9-1-1 SPECIALIST" HAS THE MEANING STATED
IN § 1-301 OF THE PUBLIC SAFETY ARTICLE.

2 (2) FOR PURPOSES OF THE DIAGNOSIS AND TREATMENT OF
3 POST-TRAUMATIC STRESS DISORDER, A ~~FIRST RESPONDER~~ 9-1-1 SPECIALIST IS PRESUMED TO BE
4 SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF
5 DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

6 (I) THE INDIVIDUAL IS DIAGNOSED WITH POST-TRAUMATIC
7 STRESS DISORDER BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST;

8 (II) AT THE TIME OF DIAGNOSIS, THE INDIVIDUAL HAS
9 COMPLETED AT LEAST 2 YEARS OF CUMULATIVE SERVICE WITHIN THE STATE AS A
10 ~~FIRST RESPONDER~~ 9-1-1 SPECIALIST; AND

11 (III) THE CLAIM IS FILED WHILE THE INDIVIDUAL IS EMPLOYED
12 AS A ~~FIRST RESPONDER~~ 9-1-1 SPECIALIST OR WITHIN 18 MONTHS IMMEDIATELY FOLLOWING
13 SEPARATION FROM EMPLOYMENT AS A ~~FIRST RESPONDER~~ 9-1-1 SPECIALIST.

14 (3) THE PRESUMPTION UNDER THIS SUBSECTION DOES NOT LIMIT
15 ANY OTHER RIGHT AN INDIVIDUAL MAY HAVE, OR CLAIM AN INDIVIDUAL MAY BRING,
16 UNDER THIS SUBTITLE.

17 [(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any ~~FIRST~~
18 ~~RESPONDER 9-1-1 SPECIALIST~~, paid firefighter, paid fire fighting instructor, sworn
member of the Office of
19 the State Fire Marshal, paid police officer, forest ranger, park ranger, wildlife ranger, paid
20 law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne
21 Arundel County, Anne Arundel County detention officer, park police officer of the
22 Maryland-National Capital Park and Planning Commission, deputy sheriff of Montgomery
23 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy
24 sheriff of Prince George's County, or Prince George's County correctional officer who is
25 eligible for benefits under subsection (a), (b), (c), [or] (d), OR (E) of this section or the
26 dependents of those individuals shall receive the benefits in addition to any benefits that
27 the individual or the dependents of the individual are entitled to receive under the
28 retirement system in which the individual was a participant at the time of the claim.

29 (2) The benefits received under this title shall be adjusted so that the
30 weekly total of those benefits and retirement benefits does not exceed the weekly salary
31 that was paid to an individual specified under paragraph (1) of this subsection.

Article - Public Safety1-301.

(a) In this subtitle the following words have the meanings indicated.

(o) "9-1-1 specialist" means an employee of a county public safety answering point, or an employee working in a county public safety answering point, whose duties and responsibilities include:

(1) receiving and processing 9-1-1 requests for emergency services;

(2) other support functions directly related to 9-1-1 requests for emergency services; or

(3) dispatching law enforcement officers, fire rescue services, emergency medical services, and other public safety services to the scene of an emergency.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2028, the Maryland Department of Emergency Management shall submit a report to the General Assembly, in accordance with § 2-1257 of the State Government Article, that compares the rates of attrition for all 9-1-1 specialists in the State during the following periods of time:

- (1) from January 1, 2015, to December 31, 2019, both inclusive;
- (2) from January 1, 2020, to September 30, 2024, both inclusive; and
- (3) from October 1, 2024, to October 1, 2028, both inclusive.

32 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2024.

HB0190-ECM_MACo_OPP.pdf

Uploaded by: Brianna January

Position: UNF



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.

HB 190 Chesapeake-IWIF Testimony.pdf

Uploaded by: Lyndsey Meninger

Position: UNF



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.

*Contact: Carmine G. D'Alessandro, Esq.
Chief Legal Officer
Chesapeake Employers Insurance Company/IWIF
410-494-2305
cdalessandro@ceiwc.com*

*Lyndsey Beidle Meninger, Esq.
Vice President of Legal Services
Chesapeake Employers Insurance Company/IWIF
410-494-2057
lmeninger@ceiwc.com*

HB 190 WC Presumptions First PTSD 022824 UNF Hs E

Uploaded by: Nancy Egan

Position: UNF



Testimony of

American Property Casualty Insurance Association (APCIA)

House Economic Matters Committee

House Bill 190 -Compensation – Occupational Disease Presumptions - First Responders

February 28, 2024

Unfavorable

The American Property Casualty Insurance Association (APCIA) is a national trade organization whose members write approximately 67% of the U.S. property and casualty insurance market, including 89% percent of Maryland’s workers’ compensation market. APCIA appreciates the opportunity to provide written comments in opposition to House Bill 190.

APCIA opposes House Bill 190, which would create a new and unwarranted presumption of compensability for post-traumatic stress disorder (PTSD) for a broad range of first responders. While first responders deserve the respect and admiration of all, in the interests of fairness they should retain the same modest burden of proving the work-relatedness of an injury or illness that other claimants have – and PTSD is already a compensable condition.

In general, mental stress claims are compensable where the work stress was both the predominant cause of the mental injury and extraordinary and unusual in comparison to pressures and tensions experienced by individuals in a comparable work environment. A higher compensability standard for so-called “mental-mental” claims (mental stress resulting in mental injuries) is both typical and appropriate in view of the greater challenge these claims present in connecting the injury to the workplace.

Consistent with this bedrock principle, the Maryland Court of Appeals held in *Means v. Baltimore County* (1997) that PTSD is compensable as an occupational disease if the claimant can prove that the disorder (i) was contracted as the result of and in the course of employment; (ii) caused the claimant to become incapacitated; and (iii) was due to nature of an employment in which the hazards of the occupational disease exist.

This bill would establish extremely weak criteria for creating a presumption of compensability that would require only a diagnosis of PTSD by a licensed psychiatrist or psychologist; two or more years of service as a first responder; and filing a claim either while employed or within 18 months afterwards. In contrast, legislation enacted a few years ago in Florida in response to the horrific Pulse nightclub shooting provides that PTSD in the absence of a physical injury suffered by a first responder must be demonstrated by clear and convincing medical evidence and result from one of eleven specified scenarios in which the first responder was exposed to the death of a minor, directly witnessed a homicide, or was in some way exposed to the death or ultimately fatal injuries of a person that involved “grievous bodily harm of a nature that shocks the conscience.”

According to NCCI's analysis of the Florida bill, "Due to the high prevalence of PTSD in firefighters, EMTs, and other first responders...the increase in compensable mental-physical claims or severity of mental-mental claims could be significant for these occupational classifications. Additionally, the award of indemnity benefits provides additional incentive to claim mental-mental benefits, which may result in increased utilization of the workers’ compensation system."

For these reasons, APCIA urges the Committee to provide an unfavorable report on House Bill 190.

Nancy J. Egan,

State Government Relations Counsel, DC, DE, MD, VA, WV

Nancy.egan@APCIA.org Cell: 443-841-4174