



Senate Finance Committee
March 5, 2024

Testimony of Chesapeake Employers' Insurance Company and Injured Workers' Insurance Fund in Opposition to Senate Bill 844

Senate Bill 844 proposes to amend Labor and Employment, § 9-503 by allowing demonstration of disablement for firefighters (paid and volunteer) and various advanced life support units (paid and volunteer) by way of three blood pressure readings that indicate hypertension, as defined in the Fourth Edition of the American Medical Association Guides and prescribed medication to treat hypertension in lieu of the “traditional” disablement defined under Labor and Employment, § 9-502 (wherein an injured worker must prove partial or total incapacitation).

The Injured Workers' Insurance Fund and Chesapeake Employers' Insurance have many claims related to hypertension under Labor and Employment, § 9-503 since the inception of the presumption. From 2019 – 2023, the Injured Workers' Insurance Fund and Chesapeake Employers' Insurance had 190 filed claims that included hypertension with an average cost per claim of \$35,180.15. With that said, we have no data if these claims would be different should disablement be three blood pressure readings that indicate hypertension and prescribed medications in lieu of “traditional” disablement from a physician (which would typically be very limited disablement period for a new prescribed medication). Very few claims are denied based on lack of disablement, and if they are, the claim is simply refiled when disablement occurs.

The concern of Senate Bill 844 is the lack of timeline for delineation of the three blood pressure readings that indicate hypertension, as defined in the fourth edition of the American Medical Association Guides. Hypertension in the Guides state: “present when the diastolic pressure is repeatedly in excess of 90 mm HG before antihypertensive therapy has been started”. The timeline of the three readings must be further defined for clarity purposes (as a one-day increase (even with three readings that day) can be from emotional or environmental stimulus) to not cause undue litigation for lack of clarity.

Of note, of the 190 claims mentioned above, only eight (8) were denied by the Workers' Compensation Commission (4%). Therefore, the Injured Workers' Insurance Fund and Chesapeake Employers' Insurance do not see a need to create confusion in a statute that is seemingly providing the benefits needed for properly compensable hypertension claims.

Given the lack of clarity of the current bill for three blood pressure readings, as well as the lack of a current issue with finding disablement in hypertension claims, Chesapeake Employers' Insurance and Injured Workers' Insurance Fund respectfully oppose Senate Bill 844.

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