By: Montgomery County Delegation
Introduced and read first time: February 2, 2005
Assigned to: Economic Matters

A BILL ENTITLED

AN ACT concerning

Workers’ Compensation - Heart Disease and Hypertension Presumption -
Montgomery County Correctional Officers
MC 514-05

FOR the purpose of applying the occupational disease presumption under the
workers’ compensation law to Montgomery County correctional officers who
suffer from heart disease or hypertension resulting in partial or total disability
or death under certain circumstances; requiring Montgomery County
correctional officers to submit to a certain medical examination to be eligible for
the presumption under this Act; providing that Montgomery County correctional
officers who are eligible for benefits under this Act shall receive the benefits in
addition to certain retirement benefits, subject to a certain adjustment; and
generally relating to the occupational disease presumption for heart disease and
hypertension under the workers’ compensation law.

BY repealing and reenacting, with amendments,
Article - Labor and Employment
Section 9-503
Annotated Code of Maryland
(1999 Replacement Volume and 2004 Supplement)

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

Article - Labor and Employment

9-503.

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

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

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

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

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

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

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

(2) (i) A deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's County correctional officer is entitled to the presumption under this subsection only to the extent that the individual suffers from heart disease or hypertension that is more severe than the individual's heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's County correctional officer, as a condition of employment, shall submit to a medical examination to determine any heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's County correctional officer.

(ii) To be eligible for the presumption under this subsection, a deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's County correctional officer, as a condition of employment, shall submit to a medical examination to determine any heart disease or hypertension condition existing prior to the individual's employment as a deputy sheriff of Baltimore City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, Prince George's County deputy sheriff, or Prince George's County correctional officer.

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

(1) has leukemia or pancreatic, prostate, rectal, or throat cancer that is
caused by contact with a toxic substance that the individual has encountered in the
line of duty;

(2) has completed at least 5 years of service as a firefighter, fire fighting
instructor, rescue squad member, or advanced life support unit member or in a
combination of those jobs in the department where the individual currently is
employed or serves;

(3) is unable to perform the normal duties of a firefighter, fire fighting
instructor, rescue squad member, or advanced life support unit member in the
department where the individual currently is employed or serves because of the
cancer or leukemia disability; and

(4) in the case of a volunteer firefighter, volunteer fire fighting
instructor, volunteer rescue squad member, or volunteer advanced life support
unit member, has met a suitable standard of physical examination before becoming a
firefighter, fire fighting instructor, rescue squad member, or advanced life support
unit member.

(d) (1) A paid law enforcement employee of the Department of Natural
Resources who is a covered employee under § 9-207 of this title is presumed to have
an occupational disease that was suffered in the line of duty and is compensable
under this title if the employee:

(i) is suffering from Lyme disease;

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

(iii) except as provided in paragraph (2) of this subsection,
demonstrates that the employee had any Lyme disease vaccination required or made
available to the employee by the Department of Natural Resources.

(2) The requirement imposed by paragraph (1)(iii) of this subsection does
not apply to an individual who objects to immunization because it conflicts with the
individual's bona fide religious beliefs and practices.

(e) (1) Except as provided in paragraph (2) of this subsection, any paid
firefighter, paid fire fighting instructor, sworn member of the Office of the State Fire
Marshal, paid police officer, paid law enforcement employee of the Department of
Natural Resources, deputy sheriff of Montgomery County, deputy sheriff of Baltimore
City, MONTGOMERY COUNTY CORRECTIONAL OFFICER, deputy sheriff of Prince
George's County, or Prince George's County correctional officer who is eligible for
benefits under subsection (a), (b), (c), or (d) of this section shall receive the benefits in
addition to any benefits that the individual is entitled to receive under the retirement system in which the individual was a participant at the time of the claim.

(2) The benefits received under this title shall be adjusted so that the weekly total of those benefits and retirement benefits does not exceed the weekly salary that was paid to the paid law enforcement employee of the Department of Natural Resources, firefighter, fire fighting instructor, sworn member of the Office of the State Fire Marshal, police officer, deputy sheriff, or Prince George's County OR MONTGOMERY COUNTY correctional officer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2005.