

**Department of Legislative Services**

Maryland General Assembly

2008 Session

**FISCAL AND POLICY NOTE**

House Bill 933

(Prince George's County Delegation and Montgomery  
County Delegation)

Economic Matters

Finance

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**Maryland-National Capital Park and Planning Commission Park Police -  
Workers' Compensation - Lyme Disease Presumption  
PG/MC 101-08**

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This bill provides that park police officers of the Maryland-National Capital Park and Planning Commission who suffer from Lyme disease are presumed to have an occupational disease that is compensable under workers' compensation law, provided that the officer was not suffering from Lyme disease prior to being stationed in an outdoor wooded environment. The presumption would apply for up to three years after the last date that an officer is regularly assigned to a position in an outdoor wooded environment.

Workers' compensation benefits due to an M-NCPPC park police officer are in addition to any benefits to which the officer may be entitled under the commission's retirement system. Total payments from both sources may not exceed the officer's weekly salary.

The bill terminates September 30, 2015.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in hearings before the Workers' Compensation Commission due to the eligibility expansion. Any additional workload could be handled with existing resources.

**Local Effect:** M-NCPPC expenditures could increase by less than \$100,000 in FY 2009 due to a small increase in self-insured risk management costs. Long-term disability

payments could increase expenses in future years. Commission revenues would not be affected.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Workers' compensation law provides a presumption of compensable occupational disease for certain classes of public employees who are subject to unusual hazards in the course of their daily activities. These presumptions apply in the following circumstances:

- certain firefighting personnel whose heart disease, hypertension, or lung disease result in partial or total disability or death;
- police officers (including those employed by M-NCPPC); correctional officers of Montgomery and Prince George's counties; and deputy sheriffs of Montgomery County, Baltimore City, and Prince George's County whose heart disease or hypertension was demonstrably caused by an individual's employment and result in partial or total disability or death;
- certain firefighting personnel whose leukemia or pancreatic, prostate, rectal, or throat cancer prevents that individual from performing the normal duties of the job; and
- paid law enforcement employees of the Department of Natural Resources who suffer from Lyme disease.

Under these circumstances, covered employees are entitled to workers' compensation benefits in addition to any benefits that the individual is entitled to receive under the retirement system. The weekly total of workers' compensation and retirement benefits may not exceed the weekly salary paid to the individual.

**Background:** Lyme disease is a bacterial disease that is transmitted by the bite of an infected blacklegged tick. Symptoms include fever, headache, fatigue, and skin rash. Left untreated, Lyme disease may spread to the joints, heart, and nervous system. Most cases, particularly those cases diagnosed soon after transmission of the disease, can be effectively treated with antibiotics.

Lyme disease is most common in New England and the mid-Atlantic region. There were 1,248 reported cases of Lyme disease in Maryland in 2006, equivalent to 22.6 cases per 100,000 residents. This rate of infection is the seventh highest in the nation and more than three times the national average.

**Local Fiscal Effect:** M-NCPPC is a bi-county agency that maintains the regional park system in Montgomery and Prince George's counties. The commission is funded with appropriations from the counties' annual operating budgets and is self-insured for workers' compensation costs. M-NCPPC advises that the bill would increase commission expenditures by less than \$100,000 in fiscal 2009 due a to small increase in self-insurance risk management costs. However, long-term disability payments could increase expenses in future years. Information on the potential number of employees affected is not available at this time.

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### **Additional Information**

**Prior Introductions:** A similar bill, HB 749 of 2007, received a favorable report from the House Economic Matters Committee and passed the House. The Senate Finance Committee did not take action on the bill.

**Cross File:** None.

**Information Source(s):** Uninsured Employers' Fund, Injured Workers' Insurance Fund, Subsequent Injury Fund, Maryland-National Capital Park and Planning Commission, Department of Legislative Services

**Fiscal Note History:** First Reader - February 18, 2008  
ncs/hlb

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