

Department of Legislative Services  
Maryland General Assembly  
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 743

(Senator Pugh)

Finance

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Workers' Compensation - Law Enforcement Officers - Lyme Disease  
Presumption

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This bill specifies that a law enforcement officer who suffers from Lyme disease is 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 regularly stationed in an outdoor wooded environment.

Workers' compensation benefits due to a law enforcement officer are in addition to any benefits to which the officer may be entitled under the officer's retirement system. Total payments from both sources may not exceed the officer's weekly salary.

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Fiscal Summary

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

**Local Effect:** Potentially significant increase in local expenditures due to medical expenses, lost wages, and treatment associated with potential Lyme disease exposure by officers. Revenues would not be affected. **This bill imposes a mandate on a unit of local government.**

**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, 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.

"Law enforcement officer" means an individual who, in an official capacity is authorized by law to make arrests and is a member of 1 of 22 specified law enforcement agencies.

**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 Impact:** The City of Annapolis and Kent, Prince George's, and Washington counties report expenditures would increase as a result of a Lyme disease

presumption. Prince George's County reports that the county has incurred almost \$100,000 in costs for one police officer diagnosed with Lyme disease after a tick bite in 2002. Washington County notes many local citizens, including police officers, engage in rural activities, and a Lyme disease presumption could result in the county being held accountable for nonwork-related exposure.

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### **Additional Information**

**Prior Introductions:** A similar bill, applicable only to law enforcement officers of the Maryland-National Capital Park and Planning Commission, was introduced in the 2007 session as HB 749. It received a favorable report from the House Economic Matters Committee and was heard by the Senate Finance Committee. No further action was taken.

**Cross File:** HB 855 (Delegates Davis and Ramirez) – Economic Matters.

**Information Source(s):** City of Annapolis, Kent County, Prince George's County, Washington County, Morgan State University, Department of Health and Mental Hygiene, Maryland Department of Transportation, Uninsured Employers' Fund, National Council on Compensation Insurance, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2008  
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