

HOUSE BILL 439

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CF SB 374

By: **Delegate Hill**

Introduced and read first time: January 20, 2022

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – 9–1–1**
3 **Specialists**

4 FOR the purpose of providing that a 9–1–1 specialist who is diagnosed by a licensed
5 psychologist or psychiatrist with post-traumatic stress disorder is presumed to have
6 an occupational disease that was suffered in the line of duty or in the course of
7 employment and is compensable under workers' compensation law; and generally
8 relating to occupational disease presumptions under the workers' compensation law.

9 BY repealing and reenacting, with amendments,
10 Article – Labor and Employment
11 Section 9–503
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Public Safety
16 Section 1–301(a) and (n)
17 Annotated Code of Maryland
18 (2018 Replacement Volume and 2021 Supplement)

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

21 **Article – Labor and Employment**

22 9–503.

23 (a) A paid firefighter, paid fire fighting instructor, paid rescue squad member,
24 paid advanced life support unit member, or sworn member of the Office of the State Fire
25 Marshal employed by an airport authority, a county, a fire control district, a municipality,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 or the State or a volunteer firefighter, volunteer fire fighting instructor, volunteer rescue
2 squad member, or volunteer advanced life support unit member who is a covered employee
3 under § 9-234 of this title is presumed to have an occupational disease that was suffered
4 in the line of duty and is compensable under this title if:

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

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

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

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

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

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

25 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
26 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
27 Prince George's County deputy sheriff, or Prince George's County correctional officer is
28 entitled to the presumption under this subsection only to the extent that the individual
29 suffers from heart disease or hypertension that is more severe than the individual's heart
30 disease or hypertension condition existing prior to the individual's employment as a deputy
31 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
32 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
33 sheriff, or Prince George's County correctional officer.

34 (ii) To be eligible for the presumption under this subsection, a deputy
35 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
36 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
37 sheriff, or Prince George's County correctional officer, as a condition of employment, shall
38 submit to a medical examination to determine any heart disease or hypertension condition
39 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,

1 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
2 County correctional officer, Prince George's County deputy sheriff, or Prince George's
3 County correctional officer.

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

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

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

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

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

24 (d) (1) A paid law enforcement employee of the Department of Natural
25 Resources who is a covered employee under § 9-207 of this title and a park police officer of
26 the Maryland-National Capital Park and Planning Commission is presumed to have an
27 occupational disease that was suffered in the line of duty and is compensable under this
28 title if the employee:

29 (i) is suffering from Lyme disease; and

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

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

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

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

4 (E) (1) IN THIS SECTION, “9–1–1 SPECIALIST” HAS THE MEANING STATED
 5 IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.

6 (2) A 9–1–1 SPECIALIST IS PRESUMED TO BE SUFFERING FROM AN
 7 OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF DUTY AND IS
 8 COMPENSABLE UNDER THIS TITLE IF THE INDIVIDUAL IS DIAGNOSED WITH
 9 POST-TRAUMATIC STRESS DISORDER BY A LICENSED PSYCHOLOGIST OR
 10 PSYCHIATRIST.

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

23 (2) The benefits received under this title shall be adjusted so that the
 24 weekly total of those benefits and retirement benefits does not exceed the weekly salary
 25 that was paid to the 9–1–1 SPECIALIST, paid law enforcement employee of the Department
 26 of Natural Resources, a park police officer of the Maryland–National Capital Park and
 27 Planning Commission, firefighter, fire fighting instructor, sworn member of the Office of
 28 the State Fire Marshal, police officer, deputy sheriff, Prince George’s County or
 29 Montgomery County correctional officer, or Anne Arundel County detention officer.

30 Article – Public Safety

31 1–301.

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

33 (n) “9–1–1 specialist” means an employee of a county public safety answering
 34 point, or an employee working in a county public safety answering point, whose duties and
 35 responsibilities include:

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

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

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2022.