

Bill No.: _____
Requested: _____
Committee: _____

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By: **Montgomery County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Montgomery County Correctional Officers –**
3 **Medical Report**

4 **MC 706-07**

5 FOR the purpose of clarifying the date on which a Montgomery County correctional
6 officer is considered to begin eligibility for the presumption for heart disease or
7 hypertension under certain circumstances; and generally relating to the
8 application of a certain occupational disease presumption under the workers'
9 compensation law.

10 BY repealing and reenacting, without amendments,
11 Article – Labor and Employment
12 Section 9-503(a), (b), and (e)
13 Annotated Code of Maryland
14 (1999 Replacement Volume and 2006 Supplement)

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

17 **Article – Labor and Employment**
18 9-503.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

45 (2) (i) A deputy sheriff of Baltimore City, Montgomery County
46 correctional officer, Prince George’s County deputy sheriff, or Prince George’s County
47 correctional officer is entitled to the presumption under this subsection only to the
48 extent that the individual suffers from heart disease or hypertension that is more

49 severe than the individual's heart disease or hypertension condition existing prior to
50 the individual's employment as a deputy sheriff of Baltimore City, Montgomery
51 County correctional officer, Prince George's County deputy sheriff, or Prince George's
52 County correctional officer.

53 (ii) To be eligible for the presumption under this subsection, a
54 deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince
55 George's County deputy sheriff, or Prince George's County correctional officer, as a
56 condition of employment, shall submit to a medical examination to determine any
57 heart disease or hypertension condition existing prior to the individual's employment
58 as a deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince
59 George's County deputy sheriff, or Prince George's County correctional officer.

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

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

75 SECTION 2. AND BE IT FURTHER ENACTED, That:

76 (a) Notwithstanding the provisions of § 9-503(b)(2) of the Labor and
77 Employment Article of the Annotated Code of Maryland, a Montgomery County
78 correctional officer who is employed on or before September 30, 2005:

79 (1) As a condition of continued employment, shall provide to the
80 Director of the Montgomery County Department of Correction and Rehabilitation, a

81 copy of a medical report disclosing any heart disease or hypertension that the
82 correctional officer may be suffering; and

83 (2) Is entitled to the presumption under § 9–503(b) of the Labor and
84 Employment Article of the Annotated Code of Maryland only to the extent that the
85 individual suffers from heart disease or hypertension that is more severe than the
86 individual’s heart disease or hypertension condition existing as of the date of the
87 medical report provided under item (1) of this paragraph.

88 (b) If the medical report provided under paragraph (a)(1) of this section was
89 from a medical examination taken as a condition of initial employment before the date
90 of hire, any benefits that the officer is entitled to receive under the provisions of §
91 9–503(b)(2) of the Labor and Employment Article of the Annotated Code of Maryland
92 shall be based on the officer’s medical condition on the date of hire.

93 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
94 October 1, 2007.