

HOUSE BILL 335

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By: **Delegate Hill**

Introduced and read first time: January 25, 2023

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Occupational Disease Presumptions – First**
3 **Responders**

4 FOR the purpose of providing that a first responder who is diagnosed by a licensed
5 psychologist or psychiatrist with post-traumatic stress disorder is presumed under
6 certain circumstances to have an occupational disease that was suffered in the line
7 of duty and is compensable under workers' compensation law; limiting the
8 applicability of the presumption to benefits for services related to the diagnosis and
9 treatment of post-traumatic stress disorder for a certain time period; specifying that
10 the presumption does not limit any right or claim an individual may have under
11 workers' compensation law; and generally relating to occupational disease
12 presumptions under the workers' compensation law.

13 BY repealing and reenacting, without amendments,
14 Article – Education
15 Section 13–516(a)(1) and (7)
16 Annotated Code of Maryland
17 (2022 Replacement Volume)

18 BY repealing and reenacting, with amendments,
19 Article – Labor and Employment
20 Section 9–503
21 Annotated Code of Maryland
22 (2016 Replacement Volume and 2022 Supplement)

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

25 **Article – Education**

26 13–516.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) (1) In this section the following words have the meanings indicated.

(7) “Emergency medical services provider” means an individual licensed or certified by the EMS Board as:

(i) A cardiac rescue technician;

(ii) An emergency medical dispatcher;

(iii) An emergency medical responder;

(iv) An emergency medical technician; or

(v) A paramedic.

Article – Labor and Employment

9–503.

(a) A paid firefighter, paid fire fighting instructor, paid rescue squad member, paid advanced life support unit member, 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 Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer, Prince George’s County deputy sheriff, Prince George’s County correctional officer, or deputy sheriff of Allegany County is presumed to be suffering from an occupational disease that was suffered in the line of duty and is compensable under this title if:

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

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

5 (2) (i) A deputy sheriff of Anne Arundel County, Anne Arundel County
6 detention officer, deputy sheriff of Baltimore City, Montgomery County correctional officer,
7 Prince George's County deputy sheriff, or Prince George's County correctional officer is
8 entitled to the presumption under this subsection only to the extent that the individual
9 suffers from heart disease or hypertension that is more severe than the individual's heart
10 disease or hypertension condition existing prior to the individual's employment as a deputy
11 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
12 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
13 sheriff, or Prince George's County correctional officer.

14 (ii) To be eligible for the presumption under this subsection, a deputy
15 sheriff of Anne Arundel County, Anne Arundel County detention officer, deputy sheriff of
16 Baltimore City, Montgomery County correctional officer, Prince George's County deputy
17 sheriff, or Prince George's County correctional officer, as a condition of employment, shall
18 submit to a medical examination to determine any heart disease or hypertension condition
19 existing prior to the individual's employment as a deputy sheriff of Anne Arundel County,
20 Anne Arundel County detention officer, deputy sheriff of Baltimore City, Montgomery
21 County correctional officer, Prince George's County deputy sheriff, or Prince George's
22 County correctional officer.

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

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

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

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

(4) 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.

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

(i) is suffering from Lyme disease; and

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

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

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

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

(E) (1) IN THIS SECTION, “FIRST RESPONDER” MEANS:

(I) A FIREFIGHTER;

(II) AN EMERGENCY MEDICAL SERVICES PROVIDER, AS DEFINED IN § 13–516 OF THE EDUCATION ARTICLE;

(III) A RESCUE SQUAD MEMBER;

(IV) A SWORN MEMBER OF THE OFFICE OF THE STATE FIRE MARSHAL;

(V) A MEMBER OF A VOLUNTEER FIRE OR RESCUE COMPANY WHO IS A COVERED EMPLOYEE UNDER § 9–234 OF THIS TITLE;

(VI) A 9–1–1 SPECIALIST;

1 (VII) A LAW ENFORCEMENT OFFICER; OR

2 (VIII) A CORRECTIONAL OFFICER.

3 (2) FOR PURPOSES OF THE DIAGNOSIS AND TREATMENT OF
4 POST-TRAUMATIC STRESS DISORDER, A FIRST RESPONDER IS PRESUMED TO BE
5 SUFFERING FROM AN OCCUPATIONAL DISEASE THAT WAS SUFFERED IN THE LINE OF
6 DUTY AND IS COMPENSABLE UNDER THIS TITLE IF:

7 (I) THE INDIVIDUAL IS DIAGNOSED WITH POST-TRAUMATIC
8 STRESS DISORDER BY A LICENSED PSYCHOLOGIST OR PSYCHIATRIST;

9 (II) AT THE TIME OF DIAGNOSIS, THE INDIVIDUAL HAS
10 COMPLETED AT LEAST 2 YEARS OF CUMULATIVE SERVICE WITHIN THE STATE AS A
11 FIRST RESPONDER; AND

12 (III) THE CLAIM IS FILED WHILE THE INDIVIDUAL IS EMPLOYED
13 AS A FIRST RESPONDER OR WITHIN 18 MONTHS IMMEDIATELY FOLLOWING
14 SEPARATION FROM EMPLOYMENT AS A FIRST RESPONDER.

15 (3) THE PRESUMPTION UNDER THIS SUBSECTION SHALL APPLY ONLY
16 TO BENEFITS FOR SERVICES RELATED TO THE DIAGNOSIS AND TREATMENT OF
17 POST-TRAUMATIC STRESS DISORDER FOR A PERIOD OF 2 YEARS IMMEDIATELY
18 FOLLOWING AN INITIAL DIAGNOSIS BY A LICENSED PSYCHOLOGIST OR
19 PSYCHIATRIST.

20 (4) THE PRESUMPTION UNDER THIS SUBSECTION DOES NOT LIMIT
21 ANY OTHER RIGHT AN INDIVIDUAL MAY HAVE, OR CLAIM AN INDIVIDUAL MAY BRING,
22 UNDER THIS SUBTITLE.

23 [(e)] (F) (1) Except as provided in paragraph (2) of this subsection, any **FIRST**
24 **RESPONDER**, paid firefighter, paid fire fighting instructor, sworn member of the Office of
25 the State Fire Marshal, paid police officer, forest ranger, park ranger, wildlife ranger, paid
26 law enforcement employee of the Department of Natural Resources, deputy sheriff of Anne
27 Arundel County, Anne Arundel County detention officer, park police officer of the
28 Maryland-National Capital Park and Planning Commission, deputy sheriff of Montgomery
29 County, deputy sheriff of Baltimore City, Montgomery County correctional officer, deputy
30 sheriff of Prince George's County, or Prince George's County correctional officer who is
31 eligible for benefits under subsection (a), (b), (c), [or] (d), **OR (E)** of this section or the
32 dependents of those individuals shall receive the benefits in addition to any benefits that
33 the individual or the dependents of the individual are entitled to receive under the
34 retirement system in which the individual was a participant at the time of the claim.

1 (2) The benefits received under this title shall be adjusted so that the
2 weekly total of those benefits and retirement benefits does not exceed the weekly salary
3 that was paid to an individual specified under paragraph (1) of this subsection.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2023.