



Senate Bill 681

Workers' Compensation – Medical Presumptions – Statute of Limitations on Claims

MACo Position: **SUPPORT**

To: Finance Committee

Date: February 19, 2013

From: Leslie Knapp Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** SB 681. The bill would provide time needed to complete a study on the linkage of cancers and firefighting for purposes of a workers' compensation occupational disease cancer presumption.

House Bill 1101 of 2012 added five new cancers and removed one cancer from the list of cancers subject to a workers' compensation occupational disease presumption for firefighters. The bill also increased the minimum service requirement from 5 to 10 years. However, the effective date of the bill was delayed until June 1, 2013, in order to allow for the completion of a study to review the linkages between cancers and firefighting.

The study, due December 1, 2012, was to have been performed by a neutral medical researcher that was approved by affected stakeholders, including MACo and the Professional Firefighters of Maryland. From several stakeholder meetings prior to and after the passage of HB 1101, the intent was for all affected stakeholders to contribute to the cost of the study.

The study, through no fault of MACo, has not been completed but is pending. Per the original intent of HB 1101 of 2012, SB 681 would delay the effective date of HB 1101 by two years in order to allow time for the study to be completed and reviewed by the General Assembly prior to HB 1101 taking effect. In recognition of the delay, SB 681 would also toll (freeze) the 2-year statute of limitations for filing a workers' compensation claim for those cancers that may be added to the presumption by HB 1101. This allows a firefighter who may contract a cancer that will ultimately be added to the presumption to still take advantage of the presumption.

As the fiscal note for HB 1101 indicates, the cost of expanding the cancer presumption is significant for local governments and a 2001 Maryland Court of Appeals decision makes the

presumption nearly impossible for an employer to overcome.¹ Because of these inequities, MACo has long supported basing the cancers included in the presumption on medical and scientific research. Accordingly, MACo supported the HB 1101 study and believes that the intent of that bill should be followed. The extension of the study would also allow for the inclusion of a pending study by the National Institute for Occupational Safety and Health and the Center for Disease Control and Prevention.

MACo has been an engaged stakeholder in the study process and willing to consider reasonable compromises as necessary. MACo has also secured partial funding for the study from several counties and the Injured Workers' Insurance Fund (soon to become the Chesapeake Employers' Insurance Company). SB 681 would provide the necessary time for the study to be completed while providing protection to those firefighters who may contract a cancer in the interim period. Accordingly, MACo urges the Committee to give SB 681 a **FAVORABLE** report.

¹ *City of Frederick v. Shankle*, 367 Md. 5 (2001).