



Testimony of Chesapeake Employers’ Insurance Company and Injured Workers’ Insurance Fund in Opposition to House Bill 439

House Bill 439 proposes to add an occupational disease presumption under Labor and Employment, § 9-503 for “9-1-1 specialists” for post-traumatic stress disorder (hereinafter, “PTSD”) diagnosed by a licensed psychologist or psychiatrist.

Of note, Chesapeake Employers’ Insurance and the Injured Workers’ Insurance Fund have claims for PTSD filed and accepted with benefits paid. This is not limited to public safety employees and has been affirmed in case law. First, *Means v. Baltimore County*, 344 Md. 661 (1997), which deals with a paramedic that suffered from PTSD as a result of responding to a severe accident. The Court of Special Appeals of Maryland found that “the Claimant’s PTSD could be reasonably characterized as due to the general character of her employment as a paramedic.” In summary, the Court found that PTSD may be compensable as an occupational disease under the Workers’ Compensation Act in Maryland, and Chesapeake Employers’ Insurance and the Injured Workers’ Insurance Fund have responded accordingly. Additionally, due to the liberal application of *Belcher v. T. Rowe Price*, 329 Md. 709 (1992), Chesapeake Employers’ Insurance and the Injured Workers’ Insurance Fund also have PTSD claims for specific situations filed as an accidental injury. A presumption is not necessary in this context.

The chart below includes all claims in the last five years that either have PTSD in the accident/occupational disease description or have a paid medical bill with a PTSD diagnosis for Chesapeake Employers’ Insurance and the Injured Workers’ Insurance Fund.

Accident Year	Chesapeake	State	Grand Total
2017	28	75	103
2018	29	54	83
2019	31	42	73
2020	26	27	53
2021	12	15	27
Grand Total	126	213	339

Some PTSD claims arise from a physical accidental injury, but of those that are stand-alone PTSD claims, the average incurred amount for those claims is \$30,881.23.

Chesapeake Employers’ Insurance currently insures ten counties and several large municipalities across Maryland that all have 9-1-1 Operator/Specialists. The number of claims filed under the presumption cannot

be estimated but given the history of other presumptions (heart disease, cancers) under Labor and Employment, § 9-503, we would expect to see a fair amount of claims (for instance, from 2012 - 2021, Chesapeake Employers' Insurance and the Injured Workers' Insurance Fund incurred approximately \$36 million on 666 presumption cases). Finally, as with other presumptions, we can expect that other employment groups will attempt to come within the provisions of this bill, thereby significantly increasing the fiscal impact to state and local governments.

While House Bill 439 seeks to have a minimal impact, addressing 9-1-1 specialists working for local governments, the history of presumptions in the workers' compensation context demonstrates that these types of presumptions are always expanded, covering more groups and more conditions. As such, the total impact is potentially significant.

Given that current law allows for the findings of PTSD in the workers' compensation arena, and the potential fixed impact of presumption statutes, Chesapeake Employers' and Injured Workers' Insurance Fund respectfully request an unfavorable report on House Bill 439.

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