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Occupational Disease Presumptions—9-1-1 Specialists

Support HB439

The Maryland Association for Justice (“MAJ”) is a nonprofit, non-stock 501(c)(6) corporation organized under the laws of the State of Maryland.

Mission: The Maryland Association for Justice is dedicated to improving and protecting the civil justice system through legislative advocacy and the professional development of trial lawyers.

This position paper is written by the MAJ specialized subcommittee on Maryland Workers’ Compensation legislation.

The MAJ supports HB 439 because it addresses the needs of an entirely overlooked category of first responders, namely, the operators who are the first to take a call from victims of crimes, fires and car crashes and they have to navigate the harrowing details provided by callers who are often under extreme duress. Sometimes the 911 specialists have to help discourage someone from contemplated suicide. Unfortunately, despite their best efforts, the 911 specialists are unsuccessful and the specialist will hear the outcome and reaction on the phone line. This leads to the development of posttraumatic stress disorder (“PTSD”). Although this disease is contemplated by the Maryland Workers’ Compensation Act, psychiatric injury occupational disease claims without a corresponding bodily injury are exceedingly difficult to win at the Commission. This bill rectifies that situation by granting a rebuttable presumption of compensability, following a diagnosis by a licensed psychologist or psychiatrist, to this small category of heroes who have a unique job exposing them to PTSD.

MAJ believes this as a vital component of our mission to seek justice for Maryland’s injured workers. The Act is intended to have a benevolent impact on working Marylanders. Protection for this small, but vital, group of Maryland employees is long overdue. The overall fiscal impact will be negligible, especially in comparison to the protections the employees who require medical care due to the exposures of mental health injuries will receive. 911 specialists have historically been overlooked despite their valor in saving many lives and enduring exceedingly stressful situations— usually before other first responders arrive on the scene. MAJ believes 911 specialists need this presumption so they can receive the medical care and benefits these employees require to recover from the emotional trauma. We heartily recommend the Committee to support this Bill for this group of first responders, sometimes called ***First First Responders***.

In summary, we ask the Committee to pass this bill in order for the bill to go to the entire House for consideration. The benefits granted for a small subcategory of injured workers who are usually taken for granted and overlooked despite their valor are long overdue.