



House Bill 439

Workers' Compensation – Occupational Disease Presumptions – 9-1-1 Specialists

MACo Position: **OPPOSE**

To: Economic Matters Committee

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From: Brianna January

The Maryland Association of Counties (MACo) **OPPOSES** HB 439. This bill would categorize Post-Traumatic Stress Disorder (PTSD) as a presumed occupational disease eligible for workers' compensation for 9-1-1 specialists. It would place an undue burden on counties as the major employer of these professions, with potentially staggering fiscal impact on local government.

Maryland's workers compensation law already creates a nearly "perfect storm," where a series of statutory presumptions prompt consideration of workplace exposures leading to compensability. Maryland's courts have effectively ruled that these presumptions are irrebuttable in compensability proceedings, so the outcome of presumption-related cases is virtually assured. Adding even more tenuous categories to this already biased structure would overburden public employers, causing them to shoulder burden for an even longer list of employee concerns that never arose from the workplace.

While counties respect and support 9-1-1 specialists who experience a challenging work requirement, HB 439 creates an unreasonable and unenforceable standard. While counties agree that 9-1-1 call-takers are exposed to challenging and often disturbing situations related to their profession, it is nearly impossible to determine if an individual suffers from PTSD because of their professional capacity. For that reason, no state has adopted a measure to categorize PTSD as a qualified presumption for 9-1-1 call center staff. Maryland, especially with its aggressive judicial interpretations on the force of statutory preemptions, should not become the first to do so.

The financial implications of the presumption set by HB 439 would be significant. Not only would HB 439 include PTSD diagnosis as a presumed occupational disease, but it would also include any lingering and permanent conditions related to PTSD. Counties, as employers, would not only have to approve and pay workers' compensation claims related to diagnosis, but they would also have to do so potentially indefinitely for each claimant. With more staff potentially awarded broadly defined compensated leave under HB 439, local governments would need to hire additional personnel to ensure that call centers are appropriately staffed and resourced at all times, otherwise, communities may experience longer wait times for emergency intake and response.

HB 439 comes at a time when public safety services are already short-staffed and are facing increasing challenges. Under this bill, counties would be required to make unwelcome and costly decisions to ensure 9-1-1 call center coverage at the expense of other emergency functions or other services. For these reasons, MACo **OPPOSES** HB 439 and urges an **UNFAVORABLE** report.