

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2017 Legislative Session

Bill No. CB-3-2017
 Chapter No. 100
 Proposed and Presented by Council Member Lehman
 Introduced by Council Members Lehman, Toles, Harrison, Turner, Davis, Glaros,
Franklin, Taveras and Patterson
 Date of Introduction October 17, 2017

BILL

1 AN ACT concerning

2 Volunteer Firefighters

3 For the purpose of amending the Code to provide for a medical presumption of occupational
 4 disease for Volunteer Firefighters and a Blanket Life and Accident Insurance Policy, increasing
 5 death benefits, and generally relating to benefits for members of the County's volunteer fire
 6 departments and rescue squads.

7 BY repealing and reenacting with amendments:

8 SUBTITLE 11. FIRE SAFETY.

9 Sections 11-327, 11-328, and 11-329,

10 The Prince George's County Code

11 (2015 Edition; 2016 Supplement).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 13 Maryland, that Sections 11-327, 11-328, and 11-329 of the Prince George's County Code be and
 14 the same are hereby repealed and reenacted with the following amendments:

15 SUBTITLE 11. FIRE SAFETY.

16 DIVISION 6. VOLUNTEER FIRE COMPANIES.

17 **Sec. 11-327. Benefits to fire companies and rescue squads.**

18 (a) The Council shall levy a tax to provide for [the payment of disability benefits to any
 19 member and death pensions to a widow and/or minor legitimate children of any member of
 20 the volunteer fire departments and rescue squads of the County who are injured or killed in
 21 the line of duty as a fireman or rescue squadsman] a Blanket Life and Accident Insurance

Policy covering the members of all volunteer fire departments and rescues squads in the County. This policy shall provide for death benefits, disability benefits, medical expenses benefits, family assistance, and optional auxiliary and/or community volunteer coverage. Pursuant to the County's Blanket Life and Accident Insurance Policy, there shall be a minimum death benefit of Fifty Thousand Dollars (\$50,000) payable upon the death of any member of a County volunteer fire department or rescue squad whose death results from a covered activity or illness in the Blanket Life and Accident Insurance Policy.

(b) [The disability benefits or death benefits provided in this Section shall apply only to members of these volunteer fire departments or rescue squads whose equipment meets the standards as approved by the Council at the time of the injury or death.

(c) Upon proof as may be required by the Council, any such member sustaining injuries in line of duty as a fireman or member of a rescue squad which injuries disable him from being gainfully employed, he shall be entitled to receive the sum of Five Dollars (\$5.00) per day during the continuance of such disability for a period not to exceed fifty-two (52) weeks. In the event the disability shall continue for a period longer than fifty-two (52) weeks he shall then be entitled to receive the sum of Fifty Dollars (\$50.00) per month for the duration of the disability. In addition to the aforesaid payments, he shall be entitled to receive medical expenses, including hospitalization, up to the amount of Five Hundred Dollars (\$500.00).

(d) In the event any such member is killed or disabled as a result of injuries in line of duty as a volunteer fireman or member of a rescue squad, his widow shall be entitled to receive the sum of Fifty Dollars (\$50.00) per month so long as she lives and remains unmarried. Any legitimate minor child or children of the deceased shall each be entitled to receive the sum of Fifteen Dollars (\$15.00) per month until the child attains eighteen (18) years of age or marries. Such payments shall be made to the mother or guardian of the child or children or other person designated by the Council.] The Fire Department shall notify all active members of the volunteer fire departments and rescue squads of the benefits available under the County's Blanket Life and Accident Insurance Policy. Upon joining a volunteer fire department or rescue squad, a new member shall be oriented to the benefits available under this insurance policy.

[(e)] (c) The Council shall adopt such rules and regulations as they deem necessary to administer the provisions of this Section.

1 [(f)] (d) The Council may reduce any sums payable under this Section in an amount equal to the
 2 amount received by a beneficiary under the provisions of Article 101, Annotated Code of
 3 Maryland, entitled Workmen's Compensation.

4 **Sec. 11-328. Length of Service Award Program.**

5 (c) Benefits.

6 * * * * *

7 (8) When a qualified volunteer dies after July 1, 2005, a burial benefit of Five Thousand
 8 Dollars (\$5,000.00) shall be paid to the surviving spouse, and if there is no surviving spouse to
 9 the estate of the decedent. Effective July 1, 2014, and thereafter, the burial benefit shall be Ten
 10 Thousand Dollars (\$10,000.00). [Effective July 1, 2014, and thereafter, the burial benefit shall be
 11 Twenty Thousand Dollars (\$20,000.00) for a qualified volunteer whose death results from an
 12 accidental personal injury arising out of and in the course of his volunteer service.] A qualified
 13 volunteer is defined as one who has completed twenty-five (25) years of service or is qualified to
 14 receive benefits under this Section.

15 * * * * *

16 **Sec. 11-329. Death Benefits.**

17 (a) There shall be a death benefit of [Five Thousand Dollars (\$5,000)] Fifteen Thousand
 18 Dollars (\$15,000) payable upon the death of any member of a County volunteer fire department
 19 or rescue squad [whose death results from an accidental personal injury arising out of and in the
 20 course of his services to Prince George's County]. This payment shall be a one time, lump sum
 21 and shall be paid within ten (10) calendar days from the date of the volunteer's death. It shall be
 22 paid to the person or persons specified by the volunteer in accordance with duly authorized
 23 personnel procedures of the County.

24 (b) In addition, there shall be a line of duty death benefit for every year the member of a
 25 County volunteer fire department or rescue squad served over ten (10) years of Three Thousand
 26 Dollars (\$3,000) per year, and Five Thousand Dollars (\$5,000) per year for every year served
 27 over fifteen (15) years.

28 (c) The death of any active member caused by lung disease, heart disease, hypertension,
 29 leukemia, prostate cancer, colorectal cancer, throat cancer, multiple myeloma, non-Hodgkin's
 30 lymphoma, brain cancer, testicular cancer or breast cancer, shall be presumed to be service-
 31 connected and to have been suffered in the line of duty and as a result of his/her membership of

1 these volunteer fire departments or rescue squads unless evidence is produced which shall
 2 demonstrate a reasonable degree of medical certainty that the member's death is not related to
 3 their service in a volunteer fire department or rescue squad. This subsection shall apply to an
 4 individual who completed at least ten (10) years of service as a firefighter, firefighting instructor,
 5 rescue squad member, technical rescue basic life support unit member, or advanced life support
 6 unit member, auxiliary member, administrative member or in a combination of those jobs in the
 7 County. For purposes of this Subsection, an active member shall mean someone who has earned
 8 at least fifty (50) Length of Service Award Program points. This Subsection shall only extend
 9 medical presumption to the County death benefit outlined in Section 11-329(b), and shall not be
 10 applied to Maryland Workers' Compensation Law for disability benefits.

11 (d) Subsection (c) shall only apply to those members who have completed a base line physical
 12 to include screenings consistent with National Fire Protection Association ("NFPA") 1582
 13 criteria for cancer, lung disease, heart disease, and hypertension; and shall submit documentation
 14 of an annual physical to include screenings consistent with NFPA 1582 criteria for those meeting
 15 the risk factor of a comprehensive screening for cancer, lung disease, heart disease, and
 16 hypertension. The annual physical may be performed by a County vendor, or the member's
 17 primary care physician at the expense of the member or the member's insurance. A copy of the
 18 member's physical results will be sent to Fire Department Risk Management. The required
 19 documentation from for the annual physical performed by a personal physician shall include a
 20 checklist of required screenings consistent with Prince George's County and NFPA 1582
 21 standards. A member may opt for additional tests and evaluations as directed by the member's
 22 primary care physician. If a member chooses not to participate in the annual physical, it shall not
 23 affect his or her volunteer status. A member's medical documents from an annual physical shall
 24 become property of the Fire Department Risk Management and be subject to all medical record
 25 review rules and regulations in concert with HIPPA, shall remain confidential, and shall not be
 26 reviewed by the County without the express consent of the member. Former members who are
 27 no longer volunteers shall qualify for a medical presumption under Subsection (c) if they meet
 28 other eligibility requirements and were active members within the last five (5) years preceding
 29 their diagnosis.

30 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
 31 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,

1 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
2 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
3 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
4 Act, since the same would have been enacted without the incorporation in this Act of any such
5 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,
6 or section.

7 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
8 calendar days after it becomes law.

Adopted this 14th day of November, 2017.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.

THE COUNTY EXECUTIVE HAVING FAILED TO RETURN THIS BILL WITH EITHER HIS APPROVAL OR VETO WITHIN TEN (10) DAYS AFTER THE DATE OF ITS PRESENTATION TO HIM, THIS BILL BECAME LAW ON DECEMBER 13, 2017.