



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401-1991
April 9, 2012

Mr. Warren Deschenaux
Director, Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Dear Mr. Deschenaux:

We request that the Department of Legislative Services, in consultation with the Workers' Compensation Commission and others as determined by the department, study the workers' compensation cancer presumption statutes in the State and in other states.

Specifically, we request that the department:

- identify the evidentiary standards for rebuttability under the workers' compensation cancer presumption statutes in the State and in other states;
- identify the types of cancers that other states include in their workers' compensation cancer presumption statutes for firefighters and related personnel, as specified under the workers' compensation cancer presumption statute, including any rationale for including the types of cancers in their law, if available;
- determine whether there is an evidentiary standard for rebuttability other than the Thayer-Wigmore standard or the Morgan standard in which both firefighters and related personnel, as specified under the workers' compensation cancer presumption statute, and local governments may fairly present their respective cases to the Workers' Compensation Commission as to whether a specific cancer contracted by a firefighter or related personnel is compensable under workers' compensation law;
- identify the costs of the wage provisions related to the workers' compensation cancer presumptions in the State, as specified under §§ 9-503(e) and 9-610(a) of the Labor and Employment Article, and in other states; and
- consider any other relevant matter in relation to the workers' compensation cancer presumption statutes.

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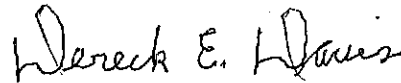
We also request that the Workers' Compensation Benefit and Insurance Oversight Committee convene to discuss the department's preliminary findings.

Lastly, we request that the department report to the Senate Finance Committee and the House Economic Matters Committee on or before December 20, 2012, with its findings and any recommendations of the oversight committee.

Sincerely,



Senator Thomas McLain Middleton, Chair
Senate Finance Committee



Delegate E. Derek Davis, Chair
House Economic Matters Committee



Senator Katherine Klausmeier, Senate Chair
Workers' Compensation Benefit and
Insurance Oversight Committee



Delegate Sally Y. Jameson, House Chair
Workers' Compensation Benefit and
Insurance Oversight Committee

TMM:DED:KAK:SYJ/TDB/ncs

cc: President Thomas V. Mike Miller, Jr.
Speaker Michael E. Busch
Ms. Vicki Gruber
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