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**TO:** The Honorable Delores Kelley  
Chairwoman, Finance Committee

**FROM:** LeadingAge Maryland

**SUBJECT:** Senate Bill 486, Labor and Employment - Employment Standards During an  
Emergency (Maryland Essential Workers' Protection Act)

**DATE:** February 11, 2021

**POSITION: Unfavorable**

LeadingAge Maryland writes to request an unfavorable report on Senate Bill 486, Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act).

LeadingAge Maryland is a community of not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. We represent more than 120 not-for-profit organizations, including the vast majority of CCRCs in Maryland. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, faith communities and others who care about aging in Maryland.

The Maryland Essential Workers Protection Act will require employers to provide workers with safe and hygienic workspaces, personal protective equipment, emergency pandemic action plans that include sanitation protocol and changes in shift hours, paid health and bereavement leave, free COVID-19 testing, an additional \$3 an hour in hazard pay and the ability to refuse dangerous work without fear of retaliation.

Without question, our non-profit members who employ in senior living facilities, including independent living, assisted living and skilled nursing are in an essential industry.

And, Senate Bill 486 acknowledges it on page 8, lines 15-16. Our staff has done yeoman's work under incredibly challenging circumstances. Safety of our residents and staff is paramount. And, when it comes to safety protocols, the industry follows guidelines issued by the Centers for Disease Control and the Maryland Department of Health.

The long-term care industry has been on the front lines of COVID-19 and has not been immune from the operational and fiscal obstacles. Whether it is ensuring appropriate levels of personal protective equipment or access to sufficient testing kits, our sector has been impacted. Providers have faced mounting costs and decreases in revenue over the last year. The costs of required testing, PPE, increased pay for staff (including overtime and incentive pay) have cost providers hundreds of thousands of dollars. These were unbudgeted and ongoing expenses. Some organizations received federal and/or State funds to offset some of the increased cost. Unfortunately, that funding has failed to cover the full impact of the expenses and many providers are facing significant financial strife. This legislation's requirement that providers pay healthcare costs, provide additional leave and pay \$3/hour in hazard pay will only worsen our financial condition. Since much of the reimbursement for these services is provided by Medicaid and Medicare and there is no ability to pass increased costs to the consumers. And, Senate Bill 486 neglects any adjustment to the Medicaid program to cover these additional costs.

This bill's "one size fits" all industries do not take into account the nature of long-term care settings. Requiring an employer to evacuate and sanitize the "work site" when an infectious disease has been contracted during an emergency is problematic. The term "infectious disease" is too broad of and a nursing home, assisted living, and/or hospice house cannot be evacuated for cleaning given that it is a residential setting. Nursing homes are one of the most highly regulated industries in our nation. Our members operate under incredibly sophisticated infection prevention and control regulations from both the State and federal level. Other similar settings, including assisted living and affordable senior housing, are also under strict guidance and regulations to help ensure both residents and staff are safe.

We appreciate the Sponsor's intent. However, we are concerned that the added cost in hazard pay and mandated protocols will impact our provision of care.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for Senate Bill 486.

For additional information, please contact Aaron J. Greenfield, 410.446.1992