

Testimony of
American Property Casualty Insurance Association (APCIA)
Senate Finance Committee
SB 10 Workers' Compensation – Covid 19 Occupational Disease Presumptions
March 8, 2022

Oppose

The American Property Casualty Insurance Association (APCIA) is a national trade organization representing nearly 60 percent of the U.S. property casualty insurance market. APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers. APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association. APCIA members represent all sizes, structures, and regions, which protect families, communities, and businesses in the U.S. and across the globe. APCIA members write 86% of the workers' compensation insurance in Maryland. APCIA appreciates the opportunity to provide written comments about our concerns with Senate Bill 10.

APCIA opposes the creation of any presumptions of coverage for COVID-19. Workers' compensation is a no-fault system that guarantees injured workers prompt indemnity benefits and unlimited medical care, without any deductibles or co-payments, even in the absence of any fault by the employer. Essential to maintaining the foundations of this system is proof that the covered injury or disease arose out of and in the course of employment. Requiring Maryland employers to cover injuries without such proof violates core principles underlying the workers' compensation system.

Whatever small justification for a presumption of coverage might have existed in the very early stages of the pandemic – when most citizens were staying in place at home and there were no vaccines preventing serious illness or death – has long since disappeared. Presumptions create a fiction that all COVID-19 diseases somehow arise only out of the workplace even though people are now traveling, going to restaurants and bars, attending social events, and participating in other large-scale events. It would be unfair and irresponsible to place the economic burden on Maryland employers of falsely presuming that certain employees who have contracted COVID-19 during this time did so in the workplace. Accordingly, there no justification for creating a presumption of coverage

For these reasons, APCIA urges the Committee to provide an unfavorable report on Senate Bill 10.

Respectfully submitted,

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