



SB 10
UNF
Daniel Doherty

The Maryland State Dental Association's Opposes SB 10– Workers' Compensation – COVID-19 Occupational Disease Presumption

SB 10 would impose liability on a dental practice if one of its employees is diagnosed with COVID-19, or 2019-nCoV and the SARS-CoV-2 virus or any of its variants. This bill creates the presumption that an employee of a dental practice who becomes infected with Covid-19 contracted the virus during the course of their employment, and unjustifiably places the cost of any resulting disability on the dental practice. Such a presumption is unwarranted, unsupported by the facts, and in a significant number of cases creates a dilemma - how do you determine which dental employer is subject to the presumption.

The imposition of such a presumption is unwarranted and totally ignores the experience of dentistry during this pandemic. When the Governor declared the State of Emergency - except for dental emergencies - dental offices were shut down for 52 days. Once they were allowed to reopen, they were confronted with staff reluctant to return to work, and patients who were very hesitant to seek even much needed dental treatment. In facing these challenges, the dental profession relied on the guidance of the CDC as well as the best practice standards disseminated by the American Dental Association. This involved implementing a new level of infection control, and the use by all dental personnel of the most appropriate personal protective equipment (PPE) available. Initially, proper masks and gowns were at a premium, but the profession addressed these shortages as recommended by the CDC and the ADA. As a result, a very small number of employees contracted Covid-19, and among those employees the infection was not traceable to their employment.

An additional consideration that renders this bill unworkable is it is very common for associate dentists, dental hygienists and dental assistants to work for more than one dental practice. If one of these were to be diagnosed with Covid-19, which dental practice is presumed to be the practice where the employee contracted the virus? Further, given the minuscule number of cases traceable to dental practices, how can one justify a presumption that it is employment related as opposed to a social exposure. MSDA submits that you can't.

During the 2021 Session the testimony on similar Workers' Compensation bills by the Workers' Compensation Commission was that they had received Covid-19 claims, and were hearing and deciding these claims without a presumption.

For these reasons the MSDA urges that SB 10 be given an unfavorable report.

Respectfully submitted by:
Daniel T. Doherty, Jr
March 8, 2022