



**TESTIMONY BEFORE THE  
SENATE FINANCE COMMITTEE**

March 8, 2022

SB 10 - Workers' Compensation - COVID-19 Occupational Disease Presumption

*Written Testimony Only*

**POSITION: UNFAVORABLE**

On behalf of the members of the Health Facilities Association of Maryland (HFAM), we appreciate the opportunity to respectfully express our opposition for Senate Bill 10 - Workers' Compensation - COVID-19 Occupational Disease Presumption. HFAM represents over 170 skilled nursing centers and assisted living communities in Maryland, as well as nearly 80 associate businesses that offer products and services to healthcare providers. Our members provide services and employ individuals in nearly every jurisdiction of the state.

HFAM members provide the majority of post-acute and long-term care to Marylanders in need across all payer sources annually. Thousands of Marylanders across the state depend on the high-quality services that our skilled nursing and rehabilitation centers offer every day.

Research from Brown, Harvard, and the University of Chicago indicates that there is a correlation between the positivity rate in the community and the positivity rate in congregate settings in that community. A higher positivity rate in a specific community or zip code would mean that there are more likely more positive cases among skilled nursing centers, assisted living campuses, and correctional facilities in those areas. Workers most often contract COVID-19 in the community as an accidental injury, not at work as an occupational disease.

The necessity of SB 10 is in question. We understand from our Workers Compensation consultants that there have been numerous COVID-19 cases on file with the Workers' Compensation Commission. It appears that these cases are being properly dealt with by the Commission; the ones that should be found compensable are being found compensable, and the ones that should be disallowed are being disallowed.

Presumption by its very nature places a burden on the employer to prove a negative, which is much more onerous than the burden a Claimant usually carries to prove a positive. The Claimant has knowledge of their comings and goings and possible exposures (or lack thereof), where the Employer does not.

The financial impact of this bill could be wide-reaching for some municipalities and other organizations. Finally, and considering each of these points of opposition, the retroactivity of impact proposed in this legislation is not proven necessary.

**For these reasons, we request an unfavorable report from the Committee on Senate Bill 10.**

*Submitted by:*

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