



Managed by LifeSpan



Hospice & Palliative Care Network
OF MARYLAND

TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Clarence K. Lam

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 8, 2022

RE: **OPPOSE** – Senate Bill 10 – *Workers' Compensation – COVID-19 Occupational Disease Presumption*

On behalf of the LifeSpan Network, the Maryland Association of Adult Day Services, the Maryland-National Capital Homecare Association, and the Hospice and Palliative Care Network of Maryland, we respectfully **oppose** Senate Bill 10, which states that a COVID-19 infection contracted by a health care worker is presumed to be an occupational disease and covered under workers' compensation if the health care worker tests positive within 14 days of performing labor or services.

Currently, employees are filing workers' compensation claims resulting from COVID-19 and many employers/insurers are paying the claims. For others, the Workers' Compensation Commission is adjudicating these claims. We believe that this format should continue rather than creating another presumption standard under the law. Unlike other presumptions that exist in Maryland law (cancer, heart disease, and hypertension) where the causation can be more readily determined because of the line of work, many claims related to COVID-19 will be more grounded on a factual determination of whether the disease was contracted at work or outside of work. Given the highly transmissible Delta and Omicron variants, it cannot be presumed that any resulting infection occurred at a workplace. It is also important to note that health care workers have been required to wear personal protective equipment while at work during the entire pandemic, limiting their exposure, which was not required of them in public spaces, especially during the Omicron surge.

While the bill contains a rebuttable presumption, we are concerned that this will erode the employer/employee relationship, given that it is highly likely that the employer will need to rely on social media accounts and statements from other employees on the activities of the claimant to rebut the presumption. The bill also fails to provide a defense for the employer if the employer can demonstrate that it abided by required safety protocols. For these reasons, we urge an unfavorable vote.

For more information call:

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