



576 Johnsville Road  
Sykesville, MD 21784

**TO:** Senate Finance Committee  
**FROM:** LeadingAge Maryland  
**SUBJECT:** Senate Bill 10, Workers' Compensation – COVID-19 Occupational Disease Presumption  
**DATE:** March 8, 2022  
**POSITION:** **Unfavorable**

LeadingAge Maryland opposes Senate Bill 10, Workers' Compensation - COVID-19 Occupational Disease Presumption.

LeadingAge Maryland is a community of more than 135 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. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, public agencies, faith communities and others who care about aging in Maryland.

This bill establishes that that first responders, public safety employees, and health care workers are presumed to have an occupational disease that is compensable under Workers' Compensation law after a positive test or diagnosis for COVID-19. The bill applies retroactively

LeadingAge Maryland members value the purpose of workers' compensation for those who are injured within the scope of work. However, this bill unfairly shifts a workers compensation cost onto employers who are not in a position to control the actions of employees outside of the work environment. Make no mistake, passage of Senate Bill 10 will result in exorbitant premium increases, lowered coverages, lower wages, less hiring, rising employment costs and higher customer costs.

Throughout the pandemic, long-term care providers have worked to ensure a safe work environment for employees, residents, vendors and the public-at-large. At the same time, we have been balancing the cost to deliver quality care with the necessary safety requirements. We have instituted mask mandates, mandatory testing, vaccinations, contact tracing practices and

even built plexiglass barriers at great discomfort and inconvenience. The industry adheres to the latest CDC guidelines to properly protect employees and residents and to combat the rise in COVID-19 infections.

Senate Bill 10 places long-term care facilities in an untenable position by requiring them to assume liability when an employee contracts COVID-19. This virus is an airborne disease which has a known incubation period of up to 14 days after exposure. As a result, it can be challenging to determine when and where the virus was contracted.

Simply put, this bill unfairly holds an employer automatically responsible while failing to account for transmission at a location outside of the workplace. And, the bill will further increase premiums.

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for Senate Bill 10.

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