



TO: The Honorable Melony Griffith, Chair
Members, Senate Finance Committee
The Honorable Antonio Hayes

FROM: Danna L. Kauffman
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DATE: March 2, 2023

RE: **SUPPORT WITH AMENDMENT** – Senate Bill 828 – *Family and Medical Leave Insurance Program – Modifications*

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 **support with amendment** Senate Bill 828. Senate Bill 828 makes several modifications to the Family Medical and Leave Act (FMLA) passed last Session.

Our support is contingent on the issues being addressed below. Issues of concern are as follows.

- The bill requires the State to pay for the employer contribution for developmental disability providers and behavioral health providers. However, it omits the class of Medicaid providers that were referenced along with developmental disability and behavioral health providers in the minimum wage bill. Given that the funding issues are the same, we would request inclusion in this section.
- As you know, there is a health care workforce crisis, making it very difficult to hire and maintain staff. Health care providers are required to meet certain staffing requirements pursuant to licensing regulations as well as payment programs. Currently, when staff are absent, providers are required to contract with nurse staff agencies, which is not only expensive but often not in the best interest of the residents/clients due to continuity of care issues. As such, removing the provision that the employee may not be required to exhaust all leave prior to taking FMLA leave is problematic and could easily exacerbate staffing issues.
- Similarly, the notification provisions and the timing of notice to employers is unclear in the bill from an operational standpoint (Sections 8.3-403 and 8.3-703). For reasons stated above, the ability to have adequate time to plan, as practicable, is essential in ensuring care delivery.

Again, we ask for your consideration of these issues in order to ensure that this program does not have the unintended consequence of causing disruptions in the delivery of health care to Maryland's vulnerable residents.