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House Economic Matters Committee HB 1199: Workers' Compensation – Occupational Disease Presumptions – COVID-19

Position: Oppose

March 2, 2021

The Maryland Association of Community Services (MACS) is a non-profit association of over 100 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities. We respectfully oppose HB 1199 which would create a presumption that COVID-19 was contracted by an employee at work and thus compensable under workers' compensation.

Under the bill, an employee would no longer have to prove that they were exposed to COVID-19 at work in order to be eligible for compensation. All that would be required is proof of a diagnosis, that they are suffering from symptoms and that the individual worked "at a location other than the individual's home or residence within 14 days before the onset of symptoms." It is MACS' understanding from our members that COVID-19 claims are being adjudicated and claims are being paid out, often without argument from the provider when the employee had been in close contact with someone who had tested positive.

While existing law creates a presumption for certain non-communicable diseases (cancer, heart disease, hypertension), it is within the context of diseases where causation can be ascertained with a medical evaluation. By contrast, COVID-19 can be contracted anywhere. While HB 1199 creates a rebuttable presumption, it will likely require the employer to explore the employee's social media accounts, talk to other employees about the claimant's actions and behaviors, etc—none of which is beneficial to the employer-employee relationship.

In light of the fact that claims *are* being adjudicated and claimants are prevailing, we believe that the Workers' Compensation Commission should be permitted to continue to exercise their expertise on these claims under current law.

We respectfully urge an unfavorable vote.

Respectfully submitted,
Laura Howell

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