



Hospice & Palliative Care Network
OF MARYLAND

TO: The Honorable Dereck Davis, Chair
Members, House Economic Matters Committee
The Honorable Kris Valderrama

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: January 28, 2021

RE: **OPPOSE (Written Only)** – House Bill 124 – *Occupational Safety and Health Standards to Protect Employees - Aerosol Transmissible Diseases and COVID-19*

On behalf of the LifeSpan Network, the Maryland-National Capital Homecare Association (MNCHA), the Hospice & Palliative Care Network of Maryland (HPCNM) and the Maryland Association of Adult Day Services (MAADS), we respectfully oppose House Bill 124. House Bill 124 is an emergency bill that, on or before October 1, 2021, the Maryland Commissioner of Labor must adopt regulations that establish a permanent occupational safety and health standard to protect employees from occupational exposure to aerosol transmissible diseases. The bill also states that, on or before March 1, 2021, the Secretary of Labor, in consultation with the Commissioner of Labor and Industry and the Maryland Department of Health, must develop and make available in English, Spanish, and Haitian Creole on the main page of the Maryland Department of Labor website an Emergency Temporary Occupational Safety and Health Standard to Protect Employees From COVID-19 for use by employers.

Our opposition is grounded, not on the need for policies to protect employees, but on the concern that House Bill 124 could easily result in inconsistent standards between the State and the federal Centers for Disease Control (CDC). Experience has already shown that the CDC continues to revise guidance on the novel coronavirus to reflect new information regarding the disease. It is important to note that, through the issuance of various orders and directives by the Maryland Department of Health, many providers are already *required* to comply with CDC standards relating to disease transmission and safe protocols, making the “one size fits all approach” taken in this bill very problematic, especially if the CDC were to update their guidance.

On that point, there are already provisions in this bill that are inconsistent with CDC standards. For example, the bill contains “return to work” provisions, which include the requirement that three days have passed since the resolution of fever and approval of a health care

provider. However, the CDC has updated its' guidance to be 24 hours and does not require approval by a health care provider. More importantly, these standards are altered when the employee has experienced severe symptoms or who are severely immunocompromised, which is not included in the bill. This illustrates the reality that standards may change quickly and result in competing standards between the federal government and the bill's requirements. Inconsistent standards only lead to confusion and frustration, resulting often in inadvertent non-compliance.

Lastly, on January 21st, President Joseph Biden issued an executive order requiring the federal Department of Labor to execute certain tasks, including the revising of guidelines, aimed at better protecting employees and enforcing worker health and safety requirements. Again, this goes to our concern that when there are competing entities developing guidance and protocols the probability of inconsistency increases, making compliance much more difficult.

Therefore, for the reasons stated above, we respectfully request that House Bill 124 be given an unfavorable vote.

For more information call:

Danna L. Kauffman

Pamela Metz Kasemeyer

410-244-7000