

UNFAVORABLE
Senate Bill 727/House Bill 1326: Maryland Healthy Working Families Act –
Revisions and Public Health Emergency Leave

Dear Legislators,

On behalf of Comprehensive Nursing Services, Inc., located in Baltimore County, I urge you to oppose Senate Bill 727/House Bill 1326: Maryland Healthy Working Families Act – Revisions and Public Health Emergency Leave. While we understand the difficulties that many individuals have encountered during this pandemic, this bill would have the effect of crippling the home care industry when more individuals are seeking care in their homes rather than in institutional or facility settings. Over the last year, home care agencies have struggled to provide needed health care services amidst workforce and personal protective equipment shortages, often without meaningful assistance from the State or federal government.

As health care providers, we need your help, not new mandates. This bill creates unreasonable costs by additional paid leave and coverage for health care costs. For all home care employers, but especially those that rely on Medicaid reimbursement, this bill will put them out of business.

Sick Leave

- Agency workers are temporary employees. They pick and choose when and where they want to work. They are not mandated to work a minimum number of hours, weekends, holidays, etc. It is not like a traditional work setting where you must work your scheduled times as directed by your employer. Nurses choose flexibility as the benefit of working agency nursing. They pick their schedule.
- It is a severe financial burden. Unlike other industries when they can offset their expenses by raising rates/prices/fees, we cannot. Insurers set our reimbursement, and we are not at liberty to increase our fees to offset this expense. To begin with, we operate on a small margin, and this extra expense will put us out of business and leave our patients without nursing.
- We can only bill for services that are provided. If a nurse cancels and is paid sick time, we also have to pay the replacement nurse, therefore paying double for a shift but being reimbursed for a single nurse. Where is all this extra money supposed to come from?
- Most agency nurses work for more than one agency. With the sick leave policy, they can schedule themselves through several various agencies, choose the assignment they want to work, cancel the others, and receive sick pay, thereby getting paid a substantial amount in just one day. There is no way to track or monitor which nurses work where and if this is occurring.

We currently deal with the fact that nurses will cancel their shifts if another agency offers them a dollar or two more an hour. This proposed sick leave for agencies is inviting fraud and is not appropriate in this segment of health care services.

- As a result of the pandemic, we have already had to absorb the added expense of providing staff with appropriate PPE, with little or no help from state or local governments. These are not billable supplies, and we must shoulder that expense.

- **Most importantly, it is our patients that will suffer.** We anticipate that cancellations will increase, and if we are unable to replace that nurse, the patients will go without nursing for that shift. Cancellations interrupt the continuity and quality of care provided.

Also, unlike other companies, health care providers cannot operate "short-staffed." We have an obligation to our clients to be there to provide services. For home health agencies, the failure to show is a violation of federal law. As such, provisions that allow an individual to "leave work" or take additional leave without any documentation or limited notice to employers create a situation where our clients suffer.

Therefore, I urge you to protect our clients and ensure that the home care industry can remain a viable health care service in Maryland and vote unfavorable to this bill. Thank you.

Mark Bayne, RN, PhD
and Staff