



Hospice & Palliative Care Network
OF MARYLAND

TO: The Honorable Dereck E. Davis, Chair
Members, House Economic Matters Committee
The Honorable Kriselda Valderrama

FROM: Danna L. Kauffman
Pamela Metz Kasemeyer

DATE: March 2, 2021

RE: **OPPOSE** – House Bill 1199 – *Workers' Compensation – Occupational Disease Presumptions – COVID-19*

On behalf of the LifeSpan Network, the Maryland-National Capital Homecare Association (MNCHA), and the Hospice & Palliative Care Network of Maryland (HPCNM), we respectfully oppose House Bill 1199, which states that a COVID-19 infection contracted by a health care worker is presumed to be work-related and covered under workers' compensation. The bill then places the burden on the employer and insurer to prove that the infection was not work-related.

Currently, employees are filing workers' compensation claims resulting from COVID-19 and many employers/insurers are paying the claims. For others, the Workers' Compensation Commission is adjudicating these claims. We believe that this format should continue rather than creating another presumption standard under the law. Unlike other presumptions that exist in Maryland law (cancer, heart disease and hypertension) where the causation can be more readily determined because of the line of work, many claims related to COVID-19 will be more grounded on a factual determination of whether the disease was contracted at work or outside of work. While the bill contains a rebuttable presumption, we are concerned that this will erode the employer/employee relationship, given that it is highly likely that the employer will need to rely on social media accounts and statements from other employees on the activities of the claimant to rebut the presumption. The bill also fails to provide a defense for the employer if the employer can demonstrate that it abided by required safety protocols. For these reasons, we urge an unfavorable vote.

For more information call:

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