

Christian Science Committee on Publication for Maryland, Inc.

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Written Testimony of Kathryn Johnson **Christian Science Committee on Publication for Maryland** **Concerning House Bill 375**

Chair Davis, Vice Chair Dumais, and members of the Economic Matters Committee:

My name is Kate Johnson and I live in Carroll County. I'm the Christian Science Committee on Publication for Maryland and serve as the legislative contact for Christian Science in our State. I am in favor of this bill. I respectfully request the Committee amend the bill, consistent with the federal family and medical leave law, as well as various state paid family and medical leave laws, to remove the limitations in the definition of "serious health condition" (Sec. 8.3-101) and in the employer certification requirements (Sec 8.3-403) that restrict treatment and require certification of a condition to occur through a "licensed" health care provider, as follows.

Amend section 8.3-101(P)(1), beginning on page 6, line 19, as follows:

19 (P) (1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY,
20 AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:
21 (I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL
22 HEALTH CARE FACILITY;
23 (II) CONTINUED TREATMENT BY A **LICENSED** HEALTH CARE
24 PROVIDER; OR
25 (III) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A
26 **LICENSED** HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER
27 THE SUPERVISION OF A **LICENSED** HEALTH CARE PROVIDER.

Amend section Sec 8.3-403(c)(2)(III), beginning on page 10, line 25, as follows:

25 (2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED
26 INDIVIDUAL UNDER § 8.3-302(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:
27 (I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF
28 THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;
29 (II) THE PROBABLE DURATION OF THE SERIOUS HEALTH
30 CONDITION;
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1 (III) THE APPROPRIATE FACTS RELATED TO THE SERIOUS
2 HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE **LICENSED** HEALTH CARE
3 PROVIDER;

Without this amendment, the bill would create an inequity as it relates to choice of care, and limit paid family and medical leave benefits to those employees who choose to have, or are caring for family members who choose to have, treatment of a “serious health condition” in a medical facility, or by a licensed health care provider. This limitation has the effect of forcing an individual to choose a particular type of care, and excluding access to benefits for those who, in lieu of traditional medical care, turn to religious, nonmedical methods of care to address their health needs, such as Christian Science.

Christian Science is a religious practice, a way of life, and a system of healing that is centered on spiritual principles illustrated throughout the Bible and the teachings of Christ Jesus. It is an entirely spiritual approach to healing of illness, injury, impairment or other physical or mental condition without the use of medical intervention or medication. This approach is often assisted through the services of Christian Science practitioners, who are exempt from licensing requirements under Maryland’s Health Occupations Code governing the right to practice medicine at § 14-102(a)(2). Christian Science practitioners are also expressly acknowledged as “health care providers” under various federal and state family and medical leave laws, including Maryland’s State Personnel Sick Leave laws, and Maryland Department of Transportation family and medical leave regulations. (See Attachment A)

The proposed amendment would address this unfairness by removing the licensing limitation for health care providers and allowing the Secretary of Labor to develop appropriate regulations concerning permissible health care providers consistent with other federal and state examples that acknowledge Christian Science practitioners as health care providers for purposes of treatment and certification under the proposed paid family and medical leave benefit.

We appreciate members of the Committee considering this amendment, and addressing the inequality of the proposed language for those whose religious practices would disqualify them for the paid family and medical leave benefit.

Respectfully submitted,

Kathryn Johnson
Christian Science Committee on Publication for Maryland

Attachment A

Federal:

Family & Medical Leave Act (FMLA) of 1993 Religious Accommodation

29 C.F.R. § 825.102

§ 825.102 Definitions.

For purposes of this part:

. . . *Health care provider* means:

(1) The Act defines "health care provider" as:

. . . (ii) Any other person determined by the Secretary to be capable of providing health care services.

(2) Others "capable of providing health care services" include only:

. . . (iii) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employer that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement.

Note: This definition of "health care provider" pertains to several provisions that may relate to one's qualification for FMLA leave as set forth in 29 C.F.R. § 825.112, including the definitions of "serious health condition" (29 C.F.R. § 825.102) and "continuing treatment by a health care provider" (see 29 C.F.R. § 825.115); and the threshold for determining whether an employee is unable to perform the functions of the position (see 29 C.F.R. § 825.123).

Maryland:

Maryland Department of Transportation Family & Medical Leave

Md. Regs. Code 11.02.13.02

Section 11.02.13.02 - Definitions

.02 Definitions.

. . . B. Terms Defined.

. . . (8) "Health care provider" means a:

. . . (h) Christian Science practitioner listed with the First Church of Christ, Scientist in Boston, Massachusetts; . . .

Maryland State Personnel Sick Leave

Md. Code Ann., State Pers. & Pens. § 9-504

(a) An employee who uses sick leave for 5 or more consecutive workdays for personal illness or disability or the illness or disability of a member of the employee's immediate family may not receive payment under this subtitle unless the employee gives the employee's immediate supervisor an original certificate of illness or disability.

(b) The certificate required under subsection (a) of this section shall be signed by one of the following:

. . . (3) an accredited Christian Science practitioner; . . .

Massachusetts:

Department of Family and Medical Leave

458 Mass. Regs. Code 2.02 (Definitions)

Health Care Provider. An individual licensed by the state, commonwealth, or territory in which the individual practices to practice medicine, surgery, dentistry, chiropractic, podiatry, midwifery or osteopathy, and including the following:

. . . (c) Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

