



Hospice & Palliative Care Network  
OF MARYLAND

TO: The Honorable Delores Kelley, Chair  
Members, Senate Finance Committee  
The Honorable Jill P. Carter  
The Honorable Katherine Klausmeier

FROM: Danna L. Kauffman  
Pamela Metz Kasemeyer

DATE: March 9, 2021

RE: **OPPOSE – Senate Bill 756, Senate Bill 812, and Senate Bill 813 – Workers’ Compensation – Occupational Disease Presumptions – COVID-19**

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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 Senate Bills 756, 812 and 813. These bills all in various forms state that a COVID-19 infection contracted by a health care worker is presumed to be work-related and covered under workers’ compensation. The bills then place 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 bills contain 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 bills also fail 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:**  
Danna L. Kauffman  
Pamela Metz Kasemeyer  
410-244-7000