



SENATE FINANCE COMMITTEE

Senate Bill 812

Workers' Compensation – Occupational Disease Presumptions – COVID-19

March 9, 2021

Urging an Unfavorable Report

Chair Kelley, Vice Chair Feldman, and members of the committee, thank you for the opportunity to share our thoughts regarding Senate Bill 812. The bill would create a legal presumption that “health care workers” at certain public higher education institution facilities who have been diagnosed with COVID-19 are presumed to be entitled to worker’s compensation benefits. The reach of the bill is very broad and is not limited to employees whose work duties have exposed them to a reasonable risk of COVID-19 infection from patients of the facility. For example, this could include a security guard working in the lobby of a dermatology clinic and many others for whom there is no reasonable risk of contracting COVID-19 through close contact with an infected individual. It could even include an employee of the facility who has been teleworking from home during the entire COVID-19 pandemic.

The bill also creates a similar presumption for USM institution police officers and rescue squad members who have been diagnosed with COVID-19, regardless of whether their actual duties during the pandemic included close contact with other institution employees or members of the public.

Extensive health and safety equipment and protocols have been put in place to limit employees’ potential exposure to COVID-19 and, as a result, the positivity rate on many USM campuses is lower than the rate in surrounding communities. The University of Maryland Baltimore, which includes the medical school, has conducted significant contact tracing throughout the pandemic. It has revealed very few instances of on-campus spread. Instead, community exposure appears to be responsible for almost all cases of COVID-19 among the university’s first responders. During much of the pandemic, many institution police officers were essentially on desk duty because the number of students and employees on campuses was substantially reduced.

The fiscal impact of Senate Bill 812 is indeterminate, but it would result in the USM institutions assuming significant costs due to COVID-19 cases that predominantly are not work related. Without the foresight of a cost-determination, and the possible negative impact to the budgets of USM institutions, we respectfully urge an unfavorable report.