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Executive Director

Senate Finance Committee
SB 756: Workers' Compensation – Occupational Disease
Presumptions – COVID-19
Position: Oppose

March 9, 2021

The Maryland Association of Community Services (MACS) is a non-profit association of over 100 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities. We respectfully oppose SB 756 which would create a presumption that COVID-19 was contracted by an employee at work and thus compensable under workers' compensation.

Under the bill, an employee would no longer have to prove that they were exposed to COVID-19 at work in order to be eligible for compensation. All that would be required is proof of a diagnosis, that they are suffering from symptoms and that the individual worked in direct contact with patients or occupied, cleaned or repaired areas occupied by patients, regardless of whether the patients tested positive for COVID. MACS members that have employees who have filed COVID-19 claims, report that those claims are being adjudicated and paid out to employees-- often without argument from the provider when the employee had been in close contact with someone who had tested positive.

While existing law creates a presumption for certain non-communicable diseases (cancer, heart disease, hypertension), that presumption applies within the context of diseases where causation can be ascertained with a medical evaluation. By contrast, COVID-19 can be contracted anywhere. Furthermore, a recent study of health care workers published in the *Annals of Internal Medicine* suggests that such a presumption is unjustified in light of the findings that "a substantial number of infections among [health care workers] **could not be traced to occupational exposures and that community exposures were as or more strongly associated with infection.**" Baker, Julia, et al. "Quantification of Occupational and Community Risk Factors for SARS-CoV-2 Seropositivity Among Health Care Workers in a Large U.S. Health Care System" *Annals of Internal Medicine*, January 29, 2021, doi:10.7326/M20-7145. While SB 756 creates a rebuttable presumption, it will likely require the employer to explore the employee's social media accounts, talk to other employees about the claimant's actions and behaviors, etc.—none of which is beneficial to the employer-employee relationship.

For all of these reasons, MACS respectfully urges an unfavorable vote.

Sincerely,

Laura Howell
Executive Director

