

AFT HEALTHCARE-MARYLAND

TESTIMONY

SENATE BILL 813

HEARING DATE 3/9/21

POSITION: SUPPORT

FINANCE COMMITTEE

Good afternoon, Chair Klausmeier and members of the Senate Finance Committee.

I am Rosemary Wertz, Field Coordinator, for AFT Healthcare-Maryland. We are the labor union representing Healthcare professionals in state government. We thank you for the opportunity to speak in support of SB 813.

Our members are spread out around the state. Many of them have been reassigned to duties related to COVID response. Office of Healthcare Quality Nurse Surveyors have been assigned to the strike teams the state sent into long-term care facilities with COVID outbreaks. Our nurses have been conducting testing, administering COVID vaccines, and taking temperatures as part of the screening process. Our members include nurses, doctors and other health professionals working in residential healthcare facilities and juvenile detention facilities. These state employees, your employees, have taken on these new necessary tasks when asked. The majority of our members have not been able to telework during the pandemic. They are at increased risk of exposure to COVID-19 due to the nature of their work.

As you know, since the beginning of the pandemic, the Maryland Department of Health has been engaged in contact tracing. When an individual tests positive for COVID-19 they are interviewed to determine where they were and who they had contact with in the previous 2 weeks. Then their contact list is interviewed, questioned about the contact, about any possible symptoms, and may be instructed to be tested. The process spreads to other possible contacts from there. Our members working in facilities that operate 24 hours a day, 7 days a week, have been on a regular COVID-19 testing schedule at work for months. Depending on the level of infection within a facility, they may be required to be tested weekly, biweekly or monthly. Management has all of the records relating to positive test results for patients and staff. Management has all the records

relating to who was identified as having a possible exposure during the contact tracing process. We have asked multiple times, at multiple facilities for specific information to be distributed to all staff on which patients and/or staff have tested positive for the virus, so that employees will be more informed. All such requests were denied by management. According to management, all of the records relating to testing, contact tracing, screening, and vaccinating are confidential medical records protected by HIPPA. In addition, during meetings at the facilities during the pandemic we have heard many times that employees may have been exposed at the gas station or the grocery store. It is more likely that a nurse working with COVID positive patients 60 hours a week was infected at work than during the 5 minutes she spent outside putting gas in her car to go to work, or the 30 minutes in the grocery store?

Management clearly has access to all of the information available to prove whether or not an employee, who tests positive for COVID-19, was exposed at work within the prior 14 days. The data available to management in continuing to increase. Now different strains of the virus are being tracked. The burden of proof, under these unique circumstances, should shift to management. The bill includes language on page 6, line 2 through 4, that allows management to rebut the presumption if the employer can show that employment was not a contributing cause. For our members, management is the State of Maryland. Most of them work for the Health Department. If one of our nurses was not exposed at work, in this unique situation, management has access to the evidence necessary to bear the burden of proof. The employees do not.

The long term effects of contracting COVID-19 are not clear at this time. Severe long term effects of the virus requiring continuing medical treatment are rare. Your employees should not bear the financial burden of medical costs related to long term illness as a result of contacting COVID-19 at work. They take risks with their health everyday they come to work. They do this willingly. They should not have to worry about the financial impact on their families, of contracting COVID-19 at work. This a burden you can lift from your employees. We are asking that you support them by giving a favorable report for SB 813.

Respectfully submitted,

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