

TO: The Honorable Delores Kelley, Chair
Senate Finance Committee

FROM: Annie Coble
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Johns Hopkins would like to offer testimony to support with amendments **Senate Bill 741 COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021**. This bill implements wide spread requirements to prevent the spread of COVID-19. Johns Hopkins supports the intent of this bill and sees value in many of the provisions; however, we recommend removing or amending the provisions on home health agencies to prevent a conflict with existing federal requirements by CDC and CMS, and the application of what appear to be federal Skilled Nursing Facilities testing guidelines to Home Health testing, since the two venues of care are significantly different.

Johns Hopkins Home Care Group (JHHCG) is the entity of Johns Hopkins Medicine that delivers home health services in addition to other essential home-based services like home infusion, respiratory care, and private duty care. JHHCG delivers care across Maryland and typically has an average census of roughly 800 patients on any given day. JHHCG currently complies with all relevant federal, state and local health department guidelines to keep the staff and patients safe. These guidelines include basic infection protection protocols required to become a licensed home health provider, enhanced infection protection protocols from CMS (see March 2020 Guidance for Infection Control and Prevention Concerning Coronavirus Disease 2019 (COVID-19) in Home Health Agencies (HHAs); reference identification: QSO – 20-18-HHA), all Johns Hopkins Health System COVID-19 prevention policies. All home health agency staff members are screened every day and patients are screened before staff arrive. Appropriate PPE is provided to all staff and patients.

The legislation as written requires home health agencies to adopt and implement a COVID-19 testing plan for all patients and staff. There is no other state in the country with separate rules for home health agencies with regards to COVID-19 testing. All other states require home health agencies to comply with federal rules and guidance. The concern if Maryland has this rule, there will be confusion in the provider community and the legislation could be in conflict with existing federal policy for home health agencies.

A significant concern is the plan requirements in the bill appear to be based upon federal guidelines for skilled nursing facilities (SNF). SNFs are a very different provider type than home health agencies and the testing requirements do not transfer

easily. The requirements for SNFs are developed to prevent the spread of the infection for a large number of people living in very close proximity that is very different than the environment in which home health agencies provide care. An example of testing requirements for SNFs being difficult to implement in home health agency is surveillance testing for cohorts as a means to prevent the spread of the virus. SNFs can easily cohort patients and staff to specific areas within the facility; however, because of traveling into patients' individual homes, the cohorting requirement seems inapplicable to the home health agency settings as a means to contain the virus.

Johns Hopkins applauds the sponsors' intent to create accountability and prevent the spread of COVID-19. However, in our review, there is no evidence to date that home health agencies are a primary spreader of the virus and in fact home health agencies have been shown to prevent the spread by keeping the most vulnerable patients in their homes safely. Home health agencies are already compliant with federal guidance preventing the spread; requiring home health agencies to create a separate plan would be duplicative and unique to Maryland. For these reasons, Johns Hopkins advocates to remove the provisions regarding home health agencies testing plans and, if some additional certainty is desired, simply amend the home health section of the bill to require that home health agencies follow federal guidelines. We urge the committee to **support with amendments Senate Bill 741 COVID-19 Testing, Contact Tracing, and Vaccination Act of 2021.**