



Maryland-National Capital Homecare Association

Senate Bill 210: *COVID-19 Claim - Civil Immunity*
Senate Judicial Proceedings Committee
January 26, 2021

Position: SUPPORT WITH AMENDMENT

On behalf of the Maryland-National Capital Homecare Association (MNCHA), whose members include Medicare-certified home health agencies, private duty companies and durable medical equipment suppliers across the State, we support Senate Bill 210 with an amendment. Senate Bill 210 provides civil immunity from liability for a COVID-19 claim to a person, including a health care facility, who acts in compliance with statutes, rules, regulations, executive orders, and agency orders, unless the person acted with gross negligence or intentional wrongdoing.

Unfortunately, because the bill defines “health care facility” as a facility under §19-114 of the Health-General Article, residential service agencies (defined under §19-4A-01 of the Health-General Article) have been inadvertently omitted from the bill’s protections. However, they have been on the front lines, providing care to individuals in their home. Like other providers and employers, they have struggled to secure necessary personal protective equipment, provide hero’s pay, and comply with applicable requirements, often with little or no guidance. Consequently, they deserve the same protection afforded to other health care facilities under this bill. Therefore, we respectfully request that the bill be amended to include residential service agencies. With this amendment, we urge a favorable vote.

For More Information:

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