



TO: The Honorable Joseline A. Pena-Melnyk, Chair
Members, House Health and Government Operations Committee
The Honorable Robbyn Lewis

FROM: Danna L. Kauffman
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RE: **OPPOSE** – House Bill 490 – *Residential Service Agencies – Employee Registry*

On behalf of the LifeSpan Network and the Maryland-National Capital Homecare Association, we respectfully **oppose** House Bill 490 for the following reasons.

First, House Bill 490 requires the Maryland Department of Health (MDH) to create a registry of each employee in a residential service agency (RSA). The registry must include personal identifying information of each employee, such as name, identification number, gender, and home mailing address. To be able to create this registry, an RSA must collect, maintain, and submit the information to MDH. This provision violates Section 4-501 of the General Provisions Article. This section states that personal records may only be collected if the need for the information has been clearly established by the unit collecting the record and then the information may only be collected from the person in interest.¹ Senate Bill 180 fails to clearly establish a need for the collection of this information nor is the information being collected from the person in interest.

Second, while MNCHA and LifeSpan appreciate the intent behind the RSA not collecting, maintaining, or submitting information on an employee who has been the victim of sexual assault, rape, domestic violence or stalking, this requirement creates a quagmire for the RSA. As stated above, the RSA must collect, maintain, and submit information on all employees. How is the RSA to know not to submit information on any given employee unless the RSA asks each employee if he/she has been a victim of sexual assault, rape, domestic violence or stalking, which would, at the very least, be a direct violation of employee privacy. If the employee did not respond to the RSA's inquiry and the RSA submitted the information and it became public, what then? Is the RSA in violation of this law?

Third, the provision stating that MDH must provide the personal information of employees, including their home address, to a labor union or other employee organization upon their request is wholly inappropriate.

For these reasons, we urge an unfavorable vote on House Bill 490.

¹ "Personal record" means a record that names with reasonable certainty or otherwise identifies an individual by an identifying factor such as an address or number.