



Senate Bill 431

Workers' Compensation - Occupational Disease Presumption - Long COVID (Home of the Brave Act of 2024)

MACo Position: **OPPOSE**

To: Finance Committee

Date: March 5, 2024

From: Brianna January

The Maryland Association of Counties (MACo) **OPPOSES** SB 431. This bill designates long COVID as a new statutory presumption under workers' compensation for a very wide swath of public sector employees, making any related care or work loss fully borne by the employer. County opposition revolves around compensability, especially with the impossibility of ascertaining whether COVID was contracted on the job or from any number of other sources or exposure situations.

The bill applies to employees who, because of the nature of their roles, were unable to work from home during the height of the COVID-19 pandemic, were diagnosed with COVID, and then later diagnosed with symptoms consistent with long COVID. Under Maryland's statutes and case law, this presumption would be effectively irrebuttable for a lengthy list of public sector employees.

MACo is grateful for the important service of these critical employees during the most significant public health crisis in recent memory. County opposition is to the bill's presumption of compensability, which would place an undue burden on counties as the major employers of these professions, with potentially staggering fiscal impact on local government.

Maryland's workers' compensation law already creates a nearly "perfect storm," where a series of statutory presumptions prompt consideration of workplace exposures leading to compensability. Maryland's courts have effectively ruled that these presumptions are irrebuttable in compensability proceedings, so the outcome of presumption-related cases is virtually assured. Adding even more tenuous categories to this already biased structure would overburden public employers, causing them to shoulder the burden of an even longer list of employee claims – even those that are hard to diagnose and link to professional exposure, like long COVID.

Furthermore, counties are concerned with the uncertain and varied diagnoses of long COVID. A December 31, 2023, *Washington Post* article reported that "long COVID" has as many as 200 symptoms that "continue to confound doctors and patients alike."

Counties caution against the legislating of medical diagnoses that remain largely unagreed upon. Doing so would result in a patchwork of workers' compensation claims and benefits based on widely varying medical opinions. Ultimately, some claimants' situations would be deemed compensable, and others would be denied, despite experiencing the same symptoms. This would create volatility for workers and employers alike. For these reasons, MACo **OPPOSES** SB 431 and urges an **UNFAVORABLE** report.