

MedChi

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TO: The Honorable Delores G. Kelley, Chair
Members, Senate Finance Committee
The Honorable Malcolm Augustine

FROM: J. Steven Wise
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DATE: February 11, 2021

RE: **OPPOSE** – Senate Bill 486 – *Labor and Employment - Employment Standards During an Emergency (Maryland Essential Workers' Protection Act)*

The Maryland State Medical Society (MedChi), the largest physician organization in Maryland, **opposes** Senate Bill 486.

Senate Bill 486 imposes several requirements upon employers in Maryland which become effective during an emergency. These include requiring employers to provide essential employees, defined as those who must come to a worksite despite the emergency, with the following: 1) an increase in hazard pay of \$3/hour; 2) employer reimbursement of healthcare costs; 3) a new program for bereavement and health leave; 4) the right of an employee to refuse work; and 5) a plan addressing workplace safety standards.

Among the employers affected by the legislation are “offices of health care providers, including physicians...”. Physician practices, most of which are small businesses, understand that health care workers have been asked during the COVID-19 pandemic to face greater risks and work in very challenging environments. However, the sheer magnitude of what is required by Senate Bill 486 is daunting to these practices, in part because these new requirements would be layered on top of those contained in the litany of Executive Orders and Health Care Orders that have been issued, most at the State level but also by federal and local agencies. These Orders address many of the items contained in this bill, such as proper hygiene practices, the provision of protective equipment and so forth.

Preparing the plans required by the bill would take a significant amount of time, and as an emergency measure the bill would divert these critical employees away from their core mission of providing health care to instead preparing the required plans. The required plans also cannot possibly anticipate the particular “emergency” at hand, as evidenced by the COVID-19 pandemic, and inevitably contradictory or supplementary government orders will be issued.

Finally, many private practices have suffered financially because of the pandemic, with patient visits greatly reduced due to safety considerations or public orders, and practice revenues falling as a result. While telehealth visits have helped practices with their revenues, most have suffered significantly over the last year. Paying higher wages is something many would like to do, but simply cannot afford to. The higher wage requirement contained in the bill could not come at a worse time for many practices.

For these reasons, MedChi urges the Committee to oppose this legislation.

For more information call:

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