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## House Economic Matters Committee

### HB 923: Labor and Employment – Worker Safety and Health – Injury and Illness Prevention Program

#### Letter of Information

**March 5, 2021**

The Maryland Association of Community Services (MACS) is a non-profit association of over 100 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities.

Community services are only possible because of the dedication of the staff whose supports make community life a reality for thousands of Marylanders with IDD. Protecting the health and safety of this essential workforce is of paramount concern to DDA-licensed providers who are subject to OSHA's workforce requirements, to CDC and MDH guidelines, and to health, safety and emergency protocols that are part of the regular licensing process for DDA community providers. This includes a requirement under COMAR 10.22.02.10(A)(17) that requires IDD providers to implement "State and federally required safety precautions, infection control, and standard precautions...." While we share the sponsor's concerns for the health and safety of our workers, we are concerned that this bill may infringe upon the right to privacy at home for people with IDD, create unintended safety issues and impose unfunded mandates on Medicaid providers with no commensurate increase in state funding.

#### **Privacy of people with IDD**

Several provisions of the bill require the "health and safety committee" to conduct investigation and inspections of the worksite. In the world of IDD services, many of these worksites are small 3-4 person group homes or the personal homes of people who receive supports. The residents of these homes are entitled to privacy and control and to determine who comes into their home as a visitor. These committees would run afoul of the best practices with regard to privacy embodied by the final federal regulations governing Home and Community Based Services ([CMS 2249-F/2296-F](#)).

Additionally, the bill would permit the public to request a copy of the health and safety program. Many group home providers already face community opposition to homes that support people with IDD. We are concerned that this provision could be used to further the agenda of individuals who seek to restrict where people with IDD may live.

## **Safety Issues**

Privacy issues aside, a group of unfamiliar people entering the home of a person/people with IDD has the potential to raise safety issues for the resident(s) and/or for the committee members depending on the unique behavioral needs of the person/people whose home is subject to inspection.

## **Existing protocols for investigation and reporting**

DDA-licensed providers are already subject to detailed investigatory and reporting requirements when there is a reportable safety incident related to the supports that IDD providers provide. In addition, DDA mandated training for staff addresses a number of safety issues related to the supports that IDD employers provide.

## **Unfunded Mandate & Staffing**

The bill would require that IDD providers pay staff to participate on the committee. This provision creates an unfunded mandate for Medicaid providers who are dependent on the state for funding, who don't charge for their services and who are prohibited from passing on cost increases to the people they support. Many of these agencies are already operating on thin margins. Additionally, our industry is facing a staffing crisis due to historically low rates paid by the state and many providers simply do not have sufficient staff to cover the shifts of employees who would be participating on these committees.

Our members continue to take all measures during the pandemic and beyond to protect their vital workforce; however we are concerned that this bill may serve to undermine those efforts rather than to further them.

Respectfully submitted,

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