



6811 Campfield Road
Baltimore, MD 21207

TO: The Honorable Dereck E. Davis
Chairwoman, Economic Matters

FROM: LeadingAge Maryland

SUBJECT: House Bill 1171, Labor and Employment – Maryland Employee Protection Plan
for Vaccine Refusal

DATE: March 9, 2021

POSITION: Unfavorable

LeadingAge Maryland writes to request an unfavorable report on House Bill 1171, Labor and Employment – Maryland Employee Protection Plan for Vaccine Refusal.

LeadingAge Maryland is a community of not-for-profit aging services organizations serving residents and clients through continuing care retirement communities, affordable senior housing, assisted living, nursing homes and home and community-based services. We represent more than 120 not-for-profit organizations, including the vast majority of CCRCs in Maryland. Our mission is to expand the world of possibilities for aging in Maryland. We partner with consumers, caregivers, researchers, faith communities and others who care about aging in Maryland.

This bill will prohibit an employer from mandating an employee take the COVID-19 vaccine for a period of 2 years. And, an employer is precluded from firing an employee for solely refusing to take the vaccine. In this circumstance, an employee waives the right to file a civil action against the employer if the employee refused the vaccine and contracts COVID-19.

The long-term care industry has valid reasons for mandating the vaccine as a condition of employment. Residents in long-term care facilities fall within the ‘vulnerable population’ and having staff members vaccinated supports the objective to return resident life to a sense of normalcy. 45% (3,429 out of 7,607) of the total deaths due to COVID in Maryland have been

among nursing home and assisted living residents and staff. The vaccine is the most effective way to battle the virus and save lives of both residents and staff in our industry. Furthermore, in some facilities, the residents have spoken by achieving 100% vaccination compliance. They want their lives back. Residents have made a commitment to these facilities that cannot be easily undone. They are essentially without many options.

Some of our members have actually mandated the vaccine as a condition of employment and allowed sufficient time to meet that obligation. Exceptions are made under employment law for medical or religious reasons. However, those communities require staff vaccination as a direct result of what they are confronting on the front lines of COVID-19. Elderly residents have lost one-full-year of their lives to this pandemic. They have been unable to see and have quality time with their family and loved ones. Some members had over 50% of their healthcare residents pass away in the last year. Married couples that have endured 50+ years now meet between plexi-glass or gowns/masks/face shields and rubber gloves, unable to hold the love of their lives one last time. Funerals where family members are unable gather to mourn their loss. Residents declining significantly, getting confused and depressed due to loneliness and lack of activity.

Mandating staff vaccination allows residents to re-connect on a more personal level. We may also even be able to develop a more robust visitation program to support their quality of life other than simply at end-of-life, along with providing congregate meals and activities more regularly and with a greater sense of personal interaction – resident to staff and resident to resident.

Lastly, House Bill 1171 has an unintended consequence – it further damages confidence in the industry which could impact occupancy of senior housing and the safety of our industry

For these reasons, LeadingAge Maryland respectfully requests an unfavorable report for House Bill 1171.

For additional information, please contact Aaron J. Greenfield, 410.446.1992