

TESTIMONY OF MEAGAN SWAY, ESQ.

LD 2055 – Ought to Pass

**An Act to Prohibit the Department of Health and Human Services
from Implementing Electronic Visit Verification for Hospice Providers
Within the MaineCare Program Unless Mandated by the Federal
Government**

Joint Standing Committee on Health and Human Services

January 9, 2024

Senator Baldacci, Representative Meyer and members of the Joint Standing Committee on Health and Human Services, good afternoon. My name is Meagan Sway, and I am Policy Director for the American Civil Liberties Union of Maine, a statewide organization committed to advancing and preserving civil liberties guaranteed by the Maine and U.S. Constitutions. On behalf of our members, we support LD 2055, because it would protect Mainers' privacy.

Electronic Visit Verification (“EVV”) is an electronic system that records attendance, geographic location, and other invasive details about how personal care attendants do their jobs. EVV requires care workers to record every task they perform, in real time, often with geolocation markers enabled. This not only disrupts the relationship care workers have with their patients and worsens the care itself, but it also risks the privacy of both patients and care workers.

The growth of the micro-surveillance of workers has seen an eight-fold increase in funding between 2018 and 2022.¹ Two examples of this include Amazon using AI cameras to monitor drivers and companies that install key-stroke trackers on their employees' computers. EVV is even worse, combining worker surveillance with government surveillance. And, because it monitors caregivers, EVV disproportionately affects women and people of color, especially immigrant women, who are more likely to work in these lower-wage jobs.

Last, the storage of this confidential patient data, showing exactly what care they received, when they received it, and where they received it, is exceedingly

¹ Jay Stanley, The Nightmarish Loss of Workplace Privacy, ACLU, Aug. 26, 2022 available at <https://www.aclu.org/news/privacy-technology/the-nightmarish-loss-of-workplace-privacy>.

attractive to hackers. Centralizing these small details about the minute-by-minute actions of people's private health care could present an exceptional breach of patient confidentiality in the event of a breach or data mismanagement.

All patients deserve the highest standards from health care workers at all levels of the system, but EVV unnecessarily threatens the quality of care and invades patient and worker privacy. For these reasons, we urge you to limit EVV's use to the extent possible and support LD 2055.