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Interested Party Testimony on House Bill 606
House Civil Justice Committee
May 19, 2020

Chair Hambley, Vice Chair Patton, Ranking Member Brown and members of the House Civil Justice Committee, thank you for the opportunity to provide written-only interested party testimony regarding House Bill 606. Disability Rights Ohio (DRO) is the state designated, and federally authorized, protection and advocacy system with the mission to advocate for the human, civil, and legal rights of people with disabilities. DRO would like to raise concerns with HB 606 and its impact on people with disabilities in Ohio.

As you know, the COVID-19 pandemic has a disproportionate impact on people with disabilities. HB 606 puts individuals at an even greater risk of illness or and allows businesses to injure or infect people without liability. This testimony will address two provisions of the bill that will have a disparate impact on people with disabilities.

- 1) **HB 606 will disproportionately impact people with disabilities receiving care in hospitals, congregate care settings, and in home and community-based settings.** The bill exempts healthcare providers from lawsuits and professional discipline for all negligent and reckless acts taken, or omitted, during the COVID-19 pandemic. This provision would provide a broad shield for healthcare professionals and allow discriminatory action against people with disabilities like rationing of care. Specifically, the bill prohibits individuals from taking legal action if a provider does not treat an individual for COVID-19. This language puts individuals with disabilities living in congregate care settings and in home and community-based settings at risk of contracting the virus.
- 2) **HB 606 has a disparate impact on employees with disabilities.** The bill prevents businesses from being responsible for the transmission of COVID-19 regardless if the employer has taken necessary safety precautions or not. As you know, people with disabilities are more likely to contract COVID-19 and as the economy begins to reopen it is critically important for businesses to take all precautions to protect their employees. Not following the recommended safety guidelines will put employees with disabilities at greater risk of contracting COVID-19.

Furthermore, HB 606 does not have an effective end date and provides immunity to providers and businesses during any public health emergency essentially ensuring long-term immunity for negligent behavior. The language in the legislation is overly broad and would have a disproportionate impact on people with disabilities in Ohio.

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DRO appreciates the opportunity to provide interested party testimony regarding HB 606 and impact this legislation will have on people with disabilities in Ohio. If you have any questions or wish to discuss the issue further feel free to reach out to me or Jordan Ballinger, Policy Analyst (614-466-7264 x135 or jballinger@disabilityrightsohio.org)