

Senator, Stephen A. Huffman thank you for the opportunity to provide written-only interested party testimony regarding Senate Bill 308.

I am one of your constituents and need to share my concerns regarding SB 308 and its impact on the disability community. I speak as a member of the disability community and in support of my disability community. My disability is complex. I have cerebral palsy, asthma and significant chemical allergies. I live independently and ambulate using a motorized wheelchair

As you know, the COVID-19 pandemic has a disproportionate impact on people with disabilities. SB 308 puts individuals at an even greater risk and allows businesses to injure or infect people without liability.

My testimony will address two provisions of the bill that will have a disparate impact on people with disabilities. 1) SB 308 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.

Provision 1 is a particular concern of mine due to my dependency on respiratory equipment for management of my asthma. My disability requires that I use a nebulizer as it is the only treatment option available for my specific needs. If my respiratory status is in any way compromised hospitalization is inevitable. Further, hospitalization would exacerbate my chemical intolerance due to exposure to environmental and chemical toxins inherent in hospital settings, particularly present during COVID.

2) SB 308 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, SB 308 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.

I trust you will honor the gravity of my concerns as your valued constituent. Moreover, I request that you consider the immediate and long term impact of this bill on me and the disability community. If you have any questions or wish to discuss the issue further feel free to contact me.

Respectfully Submitted,

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