



Written Testimony on HB606

Susan Wallace, Director of Government Relations & Public Affairs

Senate Judiciary Committee

June 24, 2020

Thank you for the opportunity to share our support of HB 606 which would protect workers acting in good faith during the COVID-19 pandemic from civil liability. We were pleased to support this bill as it moved through the House and to continue our support here, and are grateful you are making it a priority today.

LeadingAge Ohio represents over 400 mission-driven, values-based providers of aging and end of life services, including affordable and market rate housing operators, assisted living, nursing homes, home health and hospice, and other home- and community-based service providers like adult day health. The COVID-19 pandemic affects our sector uniquely and tragically. In the early days of the pandemic, our organization received pleading calls as our first members experienced outbreaks, asking desperately for personal protective equipment that was in meager supply. One member told us that she was stocking up on trash bags to use as gowns and that over the weekend, she planned to make a circuit of local stores to pick up all the swim goggles she could find. Over zoom, I watched another member jump for joy—like a child on Christmas morning—the day they received a shipment of eye protection.

Testing was also in short supply and for many weeks, the only option for some counties was to call the hospital and have the frail, symptomatic elder go to the emergency room for testing. Likewise, providers experienced a rapid-fire of new--and sometimes conflicting--information from numerous regulatory and oversight bodies. We are still very much "building the plane in the air," with questions about new requirements, processes and procedures yet unanswered, even as we are carrying them out.

To say that these conditions are sub-optimal is a gross understatement. Across Ohio, health care providers have risen to these challenges and done the only thing that they could do—their best. They did their best to rapidly retool infection control procedures for a disease we'd never seen before, to develop practices for nearly every facet of their operations, from dining to activities to supply deliveries.

Despite their best efforts to outpace the disease, Ohio has experienced nearly 1,500 fatalities to date in Ohio nursing homes and assisted living. The ability of this disease to spread by asymptomatic carriers is what makes it such an insidious threat to our communities. Some of our members have lost 10 or 20 residents—individuals they cared for intimately, celebrated holidays and birthdays with, who were important parts of our communities. Some have lost staff.

Across the country, other state governments moved quickly to extend some level of protection to healthcare workers who are doing their best under terrible circumstances. Among other changes, HB 606 limits the extent to which healthcare providers and professionals can be held responsible for COVID-related injury or death, while making careful exceptions for those circumstances when a provider is grossly negligent. This protection is time-limited to this once-in-100-years event, sunseting at the end of this year.

On behalf of our members, LeadingAge Ohio asks for your support HB606, which would help shield vital healthcare professionals who have willingly gone to work unshielded—quite literally—throughout this pandemic. It is the right thing to do, and we thank you for making it a priority.

I am happy to answer any questions you might have.