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Written Opponent Testimony on House Bill 218
Senate General Government Budget Committee
December 7, 2021
Jason Smith, Associate State Director, AARP Ohio

Chair Peterson, Vice-Chair Cirino, Ranking Member Craig, and distinguished members of the Committee, thank you for the opportunity to provide opponent testimony for House Bill 218 on behalf of AARP. As a nonpartisan, nonprofit nationwide organization focused on empowering and advocating for all aging Ohioans, we work with AARP volunteers to strengthen communities and fight for the issues that matter most to our members and their families, such as healthcare, employment and financial security, retirement planning, affordable utilities, and fraud prevention. On behalf of our 1.5 million members, we must voice our strong concerns regarding House Bill 435, specifically regarding the legislation's extension and expansion of civil immunity related to COVID-19, especially as it applies to nursing homes and long-term care (LTC) facilities.

AARP has long fought to ensure the health, safety, quality of care, and quality of life for residents in nursing homes and other LTC facilities. We believe the right of residents and their families to seek legal intervention through the courts is critical to holding facilities accountable. When residents are being harmed, financially exploited, neglected, or abused, they must be protected. Broad waivers of liability, such as those proposed in HB 435, create inappropriate barriers to obtaining redress.

Nursing homes and other LTC facilities must know they are responsible for continuing the quality and level of care required of them and for which they are being compensated. Similar to children's hospitals and emergency rooms, nursing homes and other LTC facilities should be excluded from the blanket exemption to vaccine mandates. Since the start of the pandemic, more than 8,135 nursing home residents in Ohio have died due to COVID-19. Nationally, cases of COVID-19 continue to rise among nursing home residents and staff. AARP believes it is urgent and necessary to vaccinate everyone who can be vaccinated as quickly as possible. That includes requirements and mandates to achieve this goal, consistent with federal and state laws. In addition, any vaccine requirements should include a meaningful process for exemptions based on disability/medical condition or religious objection.

Now is not the time to limit nursing home and LTC resident protections by extending and expanding civil immunity for providers or by allowing blanket exemptions for required COVID-19 vaccine mandates. AARP Ohio urges you to ensure the rights of residents and their families to seek redress through the courts when residents have been harmed, neglected, or worse as a top priority. Families across Ohio are looking to you to protect the health and safety of their loved ones living in nursing homes and other LTC facilities. Therefore, we ask that this bill be modified to address these concerns or not advanced.