

Senator, Stephen 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 my life as a member of the disability community. I speak as a member of the disability community and in support of my disability community. My disability is cerebral palsy and I use a power wheelchair. I live independently in my own house with my sister who also has a disability. Our shared disabilities make it essential for me to have community home supports to maintain my freedom and quality of life.

As you know, the COVID-19 pandemic has a disproportionate impact on people with disabilities. SB 308 puts individuals at an even greater risk of illness 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 utilization of home health aides for maintenance of my quality of life and independence. If anything jeopardizes the stability of my personal care as a result of aides losing protections, and me losing protection, my whole life gets turned upside down. I stand to lose my health, and my being able to do anything in the outside world. To make this very clear, without the appropriate care I really don't even have a choice to leave my home. If agencies refuse to provide me care, I am at risk of getting bed sores which increases the risk I am placed in an institutionalized setting. ***I really do fear this***. I have fought hard to maintain my home in the community for almost 30 + years.

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,
Ginger Burba
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