



February 3, 2021

TO: Representative Fred Patton, Chair, and
Members of the House Judiciary Committee

FR: Matt Fletcher, Executive Director, InterHab

RE: HB 2126 and IDD Service Provider COVID-19 Liability Concerns

Chairman Patton, and members of the committee, thank you for the opportunity to share the concerns of Kansas IDD service providers regarding exposure to liability due to the coronavirus pandemic. The members of InterHab provide services to Kansans with intellectual and developmental disabilities (IDD) across the state of Kansas. As such, they are engaged in the vital provision of services to this vulnerable population on a 24/7 basis. As this committee will be examining liability immunity for adult care facilities related to COVID-19 as embodied in HB 2126, we respectfully request that this committee consider also extending such immunity to the Kansas community-based IDD service network.

Similar to the vulnerable populations served within our state's adult care facilities, Kansans with IDD are at risk of serious complications from COVID-19 at a significantly higher levels than the general population. Many Kansans with IDD also have physical health conditions that have been proven to be co-morbidity factors for heightened danger to COVID-19. Data has shown that persons with IDD are between 2 and 10 times more likely to die from COVID-19 than the general population. As such, Kansas IDD service providers have taken significant measures to keep the persons they serve healthy during the pandemic and will be heavily engaged in continuing measures to prevent the spread of COVID-19 among the IDD population **for the foreseeable future**. While Kansas IDD providers will continue to do everything within their power to keep their service population safe, they will face increasing risks while doing so. These providers cannot close their doors due the pandemic. They must continue to provide supports in the safest manner possible, regardless of the choices made by persons served, their families or their guardians. IDD service providers have already begun to experience impacts due to liability risk, with insurance providers requiring exclusions of coverage for communicable diseases in policy updates.

COVID-related liability coverage would significantly aid Kansas IDD service providers as they navigate these unprecedented circumstances. InterHab's member organizations have worked incredibly hard to protect the persons they serve to the greatest degree possible. HB 2126's liability immunity would represent welcome support of their tireless efforts by the Kansas Legislature.

We respectfully request that the committee amend HB 2126 to include organizations that provide community-based services to persons with intellectual and developmental disabilities.

We appreciate this committee's work on this important issue and would be happy to provide additional information upon request.