



January 13, 2021

TO: Senator Kellie Warren, Chair, and  
Members of the Senate Judiciary Committee

FR: Matt Fletcher, Executive Director, InterHab

RE: IDD Service Provider Liability Concerns RE: COVID-19

Chair Warren, 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 risks due to COVID-19, we respectfully request that any efforts to provide liability coverage related to COVID-19 include the Kansas IDD service network.

It is important to recognize the potential for COVID-19 to affect the IDD population at 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 risk of complications from 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 populations safe, they will face increasing risks while doing so.

COVID-related liability coverage would significantly aid Kansas IDD service providers as they navigate these unprecedented circumstances. In particular, we would request that the committee include organizations that provide community-based services to persons with disabilities within any definition of "health care provider" included in legislation that addresses exposure to liability due to COVID-19. Such a designation would be due to the need to ensure that the IDD provider network remains capable of providing support to Kansans with intellectual and developmental disabilities. The provision of community-based services to persons with disabilities should include the work of 1.) direct care caregivers; 2.) managers and supervisors, and; 3.) all other employees responsible for the efficient delivery of supports and services.

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