

February 2, 2021

The Honorable Fred Patton, Chairperson  
House Committee on Judiciary  
Statehouse, Room 519C-N  
Topeka, Kansas 66612

Dear Representative Patton:

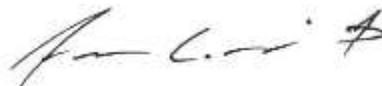
**SUBJECT:** Fiscal Note for HB 2126 by House Committee on Judiciary

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2126 is respectfully submitted to your committee.

HB 2126 would amend the definition of “adult care facility” as it is used in the COVID-19 Response and Reopening for Business Liability Protection Act. The bill would also establish immunity from liability of an adult care home for civil action on damages, administrative fines, or penalties for any claims that arise out of or relate to acts, omissions or healthcare decisions related to the COVID-19 public health emergency. The immunity from civil liability does not apply when it is established that the act, omission or healthcare decision constituted gross negligence or willful, wanton, or reckless conduct.

According to the Department for Aging and Disability Services (KDADS) and the Office of Judicial Administration, enactment of HB 2126 would not have a fiscal effect. KDADS states the bill could create savings in litigation costs for adult care facilities related to COVID-19 claims. A facility could argue they should be immune from being sued in a civil action for damages by showing that the facility’s conduct was not grossly negligent or willful, wanton, or reckless. According to KDADS, in most cases this can be asserted as a complete defense early in litigation proceedings. Any fiscal effect associated with HB 2126 is not reflected in *The FY 2022 Governor’s Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Connie Hubbell, Aging & Disability Services