

January 28, 2021

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

Dear Representative Patton:

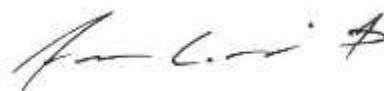
**SUBJECT:** Fiscal Note for HB 2024 by Representative Owens, et al.

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2024 is respectfully submitted to your committee.

HB 2024 would 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 Judiciary, enactment of HB 2024 would not have a fiscal effect on the agency. KDADS states that 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 their conduct was not grossly negligent or willful, wanton, or reckless, which generally can be asserted as a complete defense relatively early in the litigation proceedings. Any fiscal effect associated with HB 2024 is not reflected in *The FY 2022 Governor's Budget Report*.

Sincerely,



Adam Proffitt  
Director of the Budget

cc: Connie Hubbell, Aging & Disability Services