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## Senate Judicial Proceedings Committee SB 210: COVID-19 Claim - Civil Immunity Position: Support with Amendment January 26, 2021

The Maryland Association of Community Services (MACS) is a non-profit association of over 100 agencies across Maryland serving people with intellectual and developmental disabilities (IDD). MACS members provide residential, day and supported employment services to thousands of Marylanders, so that they can live, work and fully participate in their communities.

Health and safety is central to the core mission of enabling people with intellectual and developmental disabilities (IDD) to live meaningful, inclusive lives in their communities. DDA-licensed community service providers are highly regulated with regard to health, safety and emergency protocols as part of the regular licensing process. The COVID-19 pandemic required compliance with many new protocols issued by federal, state and local governmental entities with regard to social distancing, limitations on gatherings, personal protective equipment, hand washing, and sanitizing, often when the staff and supplies needed for full compliance with all relevant guidance were, at times, in scarce supply for IDD providers.

MACS is in strong support of the bill's recognition of the good faith efforts of providers-- under the most extreme circumstances—to protect the people they support. However, we are concerned that the use of the word “all” on line 13 of page 2 of the bill may limit a court's ability to make a finding of immunity in the face of a minor variance from the applicable COVID-19 guidance in effect at the time. **MACS recommends removing “all” and replacing it with language that gives courts the discretion to make a finding of immunity when presented with evidence of good faith compliance with all relevant COVID-19 related laws, statutes, etc.**

In addition, **MACS seeks an amendment that would clarify that all DDA-licensed providers are included in the bill as defined in Health General §7-101.** Currently, the bill specifically references Health General §19-114 which only includes DDA licensed group home providers.

Respectfully submitted: *Lauren Kallins, [LKallins@macsonline.org](mailto:LKallins@macsonline.org)*