



April 8, 2020

Mr. Bill McBride
Executive Director
National Governors Association
444 North Capitol Street NW, Suite 267
Washington, D.C. 20001

Dear Mr. McBride,

We are writing on behalf of the American Seniors Housing Association (ASHA) and Argentum, regarding the need for reasonable immunity and liability protection for the senior living industry and workforce in response to the COVID-19 pandemic. Many states have already adopted or are in the process of adopting executive orders or legislation for all health care professionals, unless the actions are due to gross negligence. We appreciate your support of ensuring that the senior living providers inclusive of independent living, assisted living, memory care and continuing care retirement communities, and their workforce are included in these efforts.

The ongoing public health crisis has intensified our need to fill critical positions to care for the nearly two million elderly in senior living communities. States have moved to temporarily waive rules such as pre-employment hiring practices and training to help alleviate this workforce shortage. Orders by many governors restricting visitors to communities or residents leaving communities have impacted resident rights. With daily changes to regular care practices, senior living providers and their workforce are subject to legal risk. It is imperative that state and federal governments provide reasonable immunity and liability protection for the senior living industry and workforce.

Some state governors such as New York, New Jersey, Connecticut, Illinois and Michigan have already recognized the need to provide liability protection for all health care providers and professionals, unless the actions are due to gross negligence. We urge all state governors to act immediately to ensure that senior living providers and their workforce can continue caring for our nation's seniors without the threat of legal action.

Attached is a model state Executive Order. Specifically, we are seeking action to clarify that:

1. Any individual holding a license, certificate, registration, or certification (whether or not it is temporary or conditional or issued by this State or the governing board of another jurisdiction) to practice a health care profession or occupation related to the provision of care, shall be immune from civil liability for any damages (including injury, illness, death, or contraction of COVID-19) whether or not such immunity is otherwise available under current law
2. Any healthcare or senior residential facility or other facility or organization licensed, registered, or otherwise engaged in the provision of health care, personal care, assisted living services, or residential care in this State (whether or not such license, registration, provision, or designation is temporary or conditional), and their employees, shall be immune from civil liability for any damages (including injury, illness, death, or contraction of COVID-19) , whether or not such immunity is otherwise available under current law.

Senior living providers and their almost one million workers are on the frontlines of this pandemic. We thank you in advance for your support of our workers during this critical time.

Respectfully,

A handwritten signature in black ink, appearing to read 'JB', with a long horizontal flourish extending to the right.

James Balda
President & CEO
Argentum
jbalda@argentum.org

A handwritten signature in black ink, appearing to read 'David A. Schless', written in a cursive style.

David Schless
President
American Seniors Housing Association
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