

April 16, 2020

TO: State Senate President ProTempore Joe Scarnati
State Senate Majority Leader Jake Corman
State Senate Minority Leader Jay Costa, Jr.
Senate Judiciary Committee Chair Lisa Baker
Senate Judiciary Committee Minority Chair Larry Farnese
House of Representatives Speaker Mike Turzai
House of Representatives Majority Leader Bryan Cutler
House of Representatives Minority Leader Frank Dermody
House Judiciary Committee Chair RobKauffman
House Judiciary Committee Minority Chair Tim Briggs

RE: Civil Immunity, COVID-19

On behalf of the 7,800 members of the Chapter, American College of Physicians (PA-ACP), we thank you for your ongoing support of Pennsylvania's health care providers as they respond to the novel coronavirus (COVID-19) pandemic. We write to you today strongly urging action to provide legal protections to Pennsylvania's health care practitioners who are making sacrifices and exposing themselves every day to personal risks while treating and protecting all Pennsylvanians.

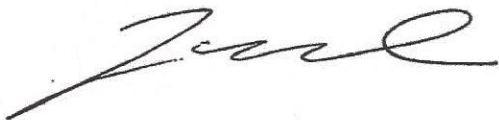
These are extremely challenging medical circumstances. Clinicians in hospitals and in their practices must fully direct their attention to treating patients and bringing this crisis under control. Pandemics dictate rapid decision-making. Appropriate liability protections must exist to foster all that's needed, and what is best for our patients.

Pennsylvania law already extends good Samaritan civil immunity in the event of an emergency. The COVID-19 pandemic and our response should qualify as such. Unfortunately, recently enacted federal legislation, the CARES Act and PREP Act, provide limited liability for medical equipment manufacturers, but do not provide such protections for the decisions of practitioners and facilities dealing with COVID-19.

PA-ACP urges you to enact legislation to allow Pennsylvania to join our neighboring states of New York, New Jersey, and Connecticut in supporting the health care community through limited civil immunity for patient care during this crisis. Such limited liability should cover those who provide medical services in support of the State's response to COVID-19 and act reasonably, with good faith in recordkeeping. Such civil immunity should not extend to protocols that discriminate against classes or categories of patients nor to immunity from criminal or reckless misconduct, gross negligence, or intentional infliction of harm.

While the world is thanking our health care community for its dedication, service and unselfishness in the face of a worldwide pandemic, Pennsylvania should thank our health care practitioners by providing them with the legal protections they deserve.

Respectfully,



Lawrence D. Ward, MD, FACP, President
PA Chapter, American College of Physicians

cc: John Nikoloff