

May 26, 2020

PA-ACP renews call for physician immunity, funding for COVID-19 responses

Civil Immunity

The PA Chapter of the American College of Physicians on Thursday again joined with other Pennsylvania provider groups to urge the Governor and General Assembly to provide limited civil immunity for health care providers for actions taken during the state's emergency declaration for COVID-19.

The Governor had issued an executive order on May 6 but that order only covers medical professionals providing services in any health care facility nursing facility, personal care home, assisted living facility or any alternate care site, community-based testing site or non-congregate care facility used for the purpose of conducting emergency services activities or the provision of disaster emergency response,

The letter was signed by all three primary care medical organizations, PA Med and POMA, the Hospital and Health System Association of PA, and 26 other physician and provider groups. It requests immunity for small and private practices, and other providers, noting these practitioners and facilities should not have to worry about the threat of frivolous lawsuits as they care for patients in communities throughout Pennsylvania.

It also urges the Governor and General Assembly take action to extend liability protections to circumstances where care was deferred as a result of state orders to close services. Health care providers should not be subject to lawsuits arising out of delayed care due to compliance with extraordinary state mandates.

Health Care Provider Funding

The Chapter also renewed its call to the General Assembly to establish a Healthcare Coronavirus Emergency Response Fund to provide financial support to front-line providers—including all of the primary care and specialty physicians and independent practices who are also addressing the crisis by maintaining services to patients, many now by telehealth, and working with patients to ensure their health and avoid taking up hospital beds in avoiding a surge.

Primary care physicians have been particularly hurt financially during the response, and support from the Commonwealth is vitally important to maintaining an adequate workforce, accessing critical supplies, enhancing infrastructure (including telehealth capabilities), augmenting capacity, and keeping the doors open to care for patients during and after this emergency.

In surveys taken in late April, as many as 30% of these independent practices expressed concerns about their long term viability. More than ¾ had been forced to lay off clerical staff and almost 70% had reduced nurse staff. One-half had reduced PA and CRNP staffing levels and another 42% had reduced physician staffing.

The General Assembly and Governor had passed initial legislation providing \$50 million in funds for hospitals and health care facilities, and more than \$323 million has gone to these facilities from CARES Act money passed down to PA providers. Last week, another \$231 million was distributed to PA rural hospitals by the Department of Human Services. 587 Skilled Nursing Facilities in Pennsylvania are also receiving \$237,982,500 in CARES Act funding through DHS.