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December 4, 2020

The Hon. Joe Manchin  
United States Senate  
306 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Manchin:

On behalf of the Health Coalition for Liability and Access (HCLA), we want to thank you for your leadership role in pursuing much needed relief to those impacted by the ongoing COVID-19 pandemic. We greatly appreciate your willingness to break through the gridlock and seek a consensus proposal on this critical matter.

We understand that discussions are ongoing regarding liability protections related to the coronavirus and we are writing specifically regarding protections for our frontline healthcare workers. Like you, HCLA wants to ensure that the needs of healthcare professionals/facilities and patients are acknowledged and addressed as part of a legislation solution. With this in mind, we ask you to keep four principles in mind:

- Liability protections should apply to all care affected by the pandemic, including care that was altered due to government guidance, and not just to care for COVID-19 patients or suspected patients;
- Liability protections should be for a limited duration;
- Liability protections should be limited to care provided under the scope of licensure/certification, but not limited to normal scope of practice;
- Care that constitutes gross negligence or willful misconduct should not be protected.

You are undoubtedly aware that legislation to provide liability protections to healthcare professionals and facilities has previously been introduced in each chamber, and we believe that either of these bills would be suitable for inclusion in the bipartisan package. We also know that concerns have been raised about such protections, and therefore share with you our suggestions for how each proposal could be modified to allay such concerns (see attached).

Thank you again for all you are doing to put forward real solutions to the myriad difficulties posed by the pandemic and the recent surge. We stand ready to assist you in any way as you move forward with negotiations over liability protections for healthcare workers/facilities. Please do not hesitate to reach out if we may be of any further assistance.

Sincerely,

Michael C. Stinson, HCLA Chair  
*Medical Professional Liability Association*

Katie Orrico, HCLA Vice Chair  
*American Association of Neurological Surgeons*



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