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March 9, 2022

The Honorable Diana DeGette, Chair
Subcommittee on Oversight & Investigations
United States House of Representatives
2111 Rayburn House Office Building
Washington, DC 20515

The Honorable Morgan Griffith, Ranking Member
Subcommittee on Oversight & Investigations
United States House of Representatives
2202 Rayburn House Office Building
Washington, D.C. 20515

Subject: Future Pandemic Preparation

Dear Chairwoman DeGette & Ranking Member Griffith:

On behalf of the Health Coalition on Liability and Access (HCLA), a diverse coalition of medical professionals, associations and other stakeholders working to reduce medical lawsuit abuse and improve timely access to quality care, we would like to commend you for the recent Subcommittee on Oversight and Investigations hearing entitled “Lessons from the Frontline: COVID-19s Impact on American Healthcare.”

As we have learned from COVID-19, it is critical to ensure any future pandemic or public health emergency does not result in a shortage of available health care professionals. To address this, we strongly urge you to include the *Good Samaritan Health Professionals Act of 2021* (H.R.5239) in any future legislation regarding pandemic response. This legislation would provide medical liability protections for volunteer health care professionals providing health care services in response to a public health emergency or federally declared disaster. The bill removes the threat of unwarranted lawsuits, which may deter qualified individuals from volunteering while respecting existing medical liability laws in individual states. Additionally, the bill is narrowly tailored to apply its protections only to licensed health care providers and does not apply if the harm caused was criminal or deliberate. Similar language was included in the CARES Act to protect volunteers during the COVID-19 pandemic. Expanding that language to cover future public health emergencies and disasters will speed those response efforts and increase access to care when needed most.

While you rightly consider how to respond to the next pandemic, it is important to remember that more needs to be done to address our ongoing circumstances. Our frontline medical professionals and the facilities that employ them continue to face a potential flood of COVID-19-related medical liability lawsuits arising from a variety of issues beyond their control, including workforce shortages, shortages of personal protective equipment, and delays in nonessential care resulting from public health guidance and government mandates issued during the pandemic. These circumstances, which have occurred across the nation, highlight the need for Congress to provide a uniform set of liability protections for medical professionals who responded to the COVID-19 pandemic. While we appreciate the

aforementioned protections put in place for COVID-19 volunteers, the scale and unprecedented nature of this pandemic necessitate protecting the entire health care system. As such, we believe that additional legislation is needed to address inconsistencies in current federal and state laws that could result in unjust medical liability lawsuits against those who have sacrificed the most to protect us during this pandemic.

In this regard, our coalition urges you to consider adopting civil liability protections for medical professionals and facilities that include the following principles taken from the bipartisan *Coronavirus Provider Protection Act of 2021* (H.R. 3021):

- Liability protections should apply to all care affected by the pandemic, including care that was altered due to government guidance, and not just for 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.

On behalf of our coalition members, and patients and medical professionals across the country, we urge you to include the *Coronavirus Provider Protection Act* and the *Good Samaritan Health Professionals Act* in any future pandemic-related legislation. Doing so will bolster your outstanding previous work to expand patients' access to health care services while closing gaps in current statutes that may deter some health professionals from serving when tragedy strikes.

Sincerely,



Michael C. Stinson
Chair

cc: The Honorable Frank Pallone, Chair, Committee on Energy & Commerce
The Honorable Cathy McMorris Rodgers, Ranking Member, Committee on Energy & Commerce



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