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## **The Good Samaritan Health Professionals Act** *Protecting Our Disaster Volunteers*

As large-scale natural disasters and health pandemics test Americans' resolve and strain our health care systems, medical providers and facilities have found themselves treating patients while facing workforce shortages, inadequate or rationed safety supplies, and a combination of insufficient information and changing guidance from federal, state, and local government officials.

From California wildfires, flooding and blizzards to coastal hurricanes to an evolving pandemic, medical professionals can be found ready, willing and able to provide care to victims. Unfortunately, due to inconsistencies in federal and state laws, some volunteer health care professionals have been turned away or limited in how they can help because of the threat of medical liability lawsuits.

Personal injury lawyers can take advantage of these vague laws and seek financial gain by targeting medical professionals and licensed health care providers who have volunteered their services to disaster victims in times of crisis.

### ***Protecting Good Samaritans***

To address this problem, Reps. Larry Bucshon, MD (R-Ind) and Raul Ruiz, MD (D-Calif.) have introduced the *Good Samaritan Health Professionals Act* (H.R. 2819). This legislation would help protect medical volunteers from lawsuits during a federally-declared disaster and ensure that vital health care services often provided by medical volunteers remain available.

Notably, the protections in both bills will only apply to licensed health care providers and will not apply to a health care provider if the harm caused was criminal or deliberate.

### ***Piecing Together a Patchwork of State Laws***

While some states have taken steps to protect medical volunteers, these efforts are sometimes insufficient in the face of wide-scale catastrophes. In addition, the current patchwork of federal and state laws that encourage medical volunteerism are inconsistent and often extremely unclear, especially when applied to large-scale disasters that may cross state lines.

Additionally, the action taken by Congress during the height of the COVID-19 pandemic offers precedent for such comprehensive, yet limited, protections for good faith care provided during the public health emergency.

The *Good Samaritan Health Professionals Act* respects existing medical liability laws in individual states while creating a more comprehensive and straightforward approach to medical volunteerism during a federally-declared disaster.

We must not wait for another pandemic to create a proactive response to protect those on the front lines of disaster responses and public health crises.

### ***Closing the Liability Loophole***

By passing the *Good Samaritan Health Professionals Act*, personal injury lawyers cannot use federally declared disasters, including pandemics, to exploit patients and health care providers with frivolous lawsuits.

The Health Coalition on Liability and Access strongly supports comprehensive protections for the health care professionals and facilities that have not wavered in their willingness to provide for the American public during their most urgent times of need and won't hesitate to do so in the future.

Our federal elected officials must recognize this existing threat against health care providers and ensure they do not face unwarranted legal action for their efforts in responding to the next pandemic or natural disaster by swiftly enacting the Good Samaritan immunity provisions contained in H.R. 2819.

***The Good Samaritan Health Professionals Act will ensure that an adequate supply of trained health care professionals are willing and available to volunteer their services during a catastrophe or public health emergency, and that they will not be deterred or turned away due to the threat of lawsuits.***