

June 9, 2020

The Honorable Nancy Pelosi
Speaker of the House of Representatives
U.S. Capitol Building, H-222
Washington, DC 20515

The Honorable Mitch McConnell
Senate Majority Leader
U.S. Capitol Building, S-230
Washington, DC 20510

The Honorable Kevin McCarthy
House Republican Leader
U.S. Capitol Building, H-204
Washington, DC 20515

The Honorable Charles Schumer
Senate Democratic Leader
U.S. Capitol Building, S-221
Washington, DC 20510

Dear Speaker Pelosi, Leader McConnell, Leader McCarthy, and Leader Schumer:

The undersigned state, specialty, and national medical associations represent hundreds of thousands of frontline medical and mental health physicians who are diagnosing, testing, treating, and counseling millions of our nation's patients in response to the COVID-19 pandemic. During this unprecedented national health emergency, physicians and other health care professionals have been putting themselves at risk every day while facing shortages of medical supplies and safety equipment, and making critical medical decisions based on changing directives and guidance. These physicians and other health care professionals are now facing the threat of years of costly litigation due to the extraordinary circumstances. As the House and Senate continue to work on the next COVID-19 relief package, **we strongly urge you to include the targeted and limited liability protections that are in the bipartisan bill, H.R. 7059, the "Coronavirus Provider Protection Act."**

The public health emergency triggered by the COVID-19 pandemic has created unprecedented challenges to our nation's health care system. In addition to facing inadequate supplies and safety equipment, physicians, hospitals, and other frontline health care professionals have been faced with rapidly changing guidance and directives from all levels of government. Examples include suspending elective in-person visits and procedures, being assigned to provide care outside the physician's general practice area, rationing care due to shortages of equipment such as ventilators, inadequate testing that could lead to delayed or inaccurate diagnosis, and delays in treatment for patients with conditions other than COVID-19. In these and other scenarios, physicians face the threat of costly and emotionally draining medical liability lawsuits due to circumstances that are beyond their control. These lawsuits may come months or even years after the current ordeal is over.

The liability protections we call on Congress to pass are not universal; they are intended to provide targeted and limited protections where health care services are provided or withheld in situations that may be beyond the control of physicians/facilities (e.g., following government guidelines, directives, lack of resources) due to COVID-19. The protections extend to those who provide care in good faith during the COVID-19 public health emergency (plus a reasonable time, such as 60 days, after the emergency declaration ends), and not in situations of gross negligence or willful misconduct.

As physicians and other health care professionals, and the facilities in which they provide their services, continue their heroic efforts to stop the spread of COVID-19 while caring for COVID-19 patients as well as meeting the needs of other patients, they will remain vulnerable to the threat of unwarranted and unfair lawsuits. We therefore strongly urge Congress to consider targeted and limited liability protections for physicians, other health care professionals, and the facilities in which they practice as they continue their efforts to treat COVID-19 under unprecedented conditions.

We thank you for your consideration.

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Sincerely,

American Medical Association
AMDA – The Society for Post-Acute and Long-Term Care Medicine
American Academy of Allergy, Asthma & Immunology
American Academy of Dermatology Association
American Academy of Emergency Medicine
American Academy of Facial Plastic and Reconstructive Surgery
American Academy of Family Physicians
American Academy of Hospice and Palliative Medicine
American Academy of Neurology
American Academy of Ophthalmology
American Academy of Otolaryngic Allergy
American Academy of Otolaryngology- Head and Neck Surgery
American Academy of Pediatrics
American Academy of Physical Medicine and Rehabilitation
American Academy of Sleep Medicine
American Association for Geriatric Psychiatry
American Association for Hand Surgery
American Association for Physician Leadership
American Association of Child & Adolescent Psychiatry
American Association of Clinical Endocrinologists
American Association of Clinical Urologists
American Association of Hip and Knee Surgeons
American Association of Neurological Surgeons
American Association of Orthopaedic Surgeons
American Association of Public Health Physicians
American College of Allergy, Asthma and Immunology
American College of Cardiology
American College of Chest Physicians
American College of Emergency Physicians
American College of Gastroenterology
American College of Medical Genetics and Genomics
American College of Obstetricians and Gynecologists
American College of Osteopathic Internists
American College of Osteopathic Surgeons
American College of Physicians
American College of Radiation Oncology
American College of Radiology
American College of Rheumatology
American College of Surgeons
American Gastroenterological Association
American Geriatrics Society
American Medical Group Association
American Medical Women's Association
American Orthopaedic Foot & Ankle Society

American Osteopathic Association
American Psychiatric Association
American Society for Clinical Pathology
American Society for Gastrointestinal Endoscopy
American Society for Laser Medicine and Surgery
American Society for Metabolic & Bariatric Surgery
American Society for Radiation Oncology
American Society for Reproductive Medicine
American Society for Surgery of the Hand
American Society of Addiction Medicine
American Society of Anesthesiologists
American Society of Cataract and Refractive Surgery
American Society of Dermatopathology
American Society of Echocardiography
American Society of Hematology
American Society of Interventional Pain Physicians
American Society of Neuroradiology
American Society of Nuclear Cardiology
American Society of Plastic Surgeons
American Society of Retina Specialists
American Urogynecologic Society
American Urological Association
American Vein & Lymphatic Society
Association for Clinical Oncology
Association of University Radiologists
College of American Pathologists
Congress of Neurological Surgeons
International Society for the Advancement of Spine Surgery
International Society of Hair Restoration Surgery
Medical Group Management Association
National Association of Medical Examiners
National Association of Spine Specialists
North American Neuromodulation Society
North American Spine Society
Outpatient Endovascular & Interventional Society
Renal Physicians Association
Society for Cardiovascular Angiography and Interventions
Society for Vascular Surgery
Society of Critical Care Medicine
Society of Gynecologic Oncology
Society of Hospital Medicine
Society of Interventional Radiology
Society of Nuclear Medicine and Molecular Imaging
Spine Intervention Society
The Society of Thoracic Surgeons

Medical Association of the State of Alabama

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Alaska State Medical Association
Arizona Medical Association
Arkansas Medical Society
California Medical Association
Colorado Medical Society
Connecticut State Medical Society
Medical Society of Delaware
Medical Society of the District of Columbia
Florida Medical Association Inc
Medical Association of Georgia
Hawaii Medical Association
Idaho Medical Association
Illinois State Medical Society
Indiana State Medical Association
Iowa Medical Society
Kansas Medical Society
Kentucky Medical Association
Louisiana State Medical Society
Maine Medical Association
MedChi, The Maryland State Medical Society
Massachusetts Medical Society
Michigan State Medical Society
Minnesota Medical Association
Mississippi State Medical Association
Missouri State Medical Association
Nebraska Medical Association
Nevada State Medical Association
New Hampshire Medical Society
Medical Society of New Jersey
New Mexico Medical Society
Medical Society of the State of New York
North Carolina Medical Society
North Dakota Medical Association
Ohio State Medical Association
Oklahoma State Medical Association
Oregon Medical Association
Pennsylvania Medical Society
Rhode Island Medical Society
South Carolina Medical Association
South Dakota State Medical Association
Tennessee Medical Association
Texas Medical Association
Utah Medical Association
Vermont Medical Society
Medical Society of Virginia

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Washington State Medical Association
West Virginia State Medical Association
Wisconsin Medical Society
Wyoming Medical Society