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March 13, 2023

The Honorable Richard Hudson  
Energy & Commerce Committee  
U.S. House of Representatives  
2112 Rayburn House Office Building  
Washington, DC 20515

The Honorable Anna Eshoo  
Energy & Commerce Committee  
U.S. House of Representatives  
272 Cannon House Office Building  
Washington, DC 20515

**Subject: *Pandemic and All-Hazards Preparedness Act Reauthorization***

Dear Representatives Hudson and Eshoo:

On behalf of a diverse coalition of medical professionals and associations working to improve timely access to care and reduce medical lawsuit abuse, the Health Coalition on Liability and Access (HCLA) would like to thank you for giving us an opportunity to provide input on the pending reauthorization of the *Pandemic and All-Hazards Preparedness Act*.

As we continue to face a health care workforce shortage, ensuring that the nation's health professionals are not deterred from responding to public health and disaster emergencies is more important than ever. In the early days of the COVID-19 pandemic, Congress wisely took steps to address this issue by including in the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (P.L. 116-136, Sec. 3215) a provision granting volunteer health professionals treating patients with, or suspected of having, COVID-19, protection from liability lawsuits. We now ask that you apply those same protections to future public health emergencies and federally declared disasters.

The *Good Samaritan Health Professional Act*, approved on a bipartisan basis by the House Energy & Commerce Committee in the 115<sup>th</sup> Congress (and most recently introduced in the 117<sup>th</sup> Congress as H.R. 5239/S. 2941), would do just that. The bill removes the threat of unjust lawsuits which may inhibit 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 to a health care professional if the harm caused was criminal or deliberate.

Every state has Good Samaritan laws on the books. Unfortunately, when translated to a large-scale event, these state and related federal laws leave gaps that could expose volunteer health professionals to unwarranted liability lawsuits. The *Good Samaritan Health Professionals Act* would address this by effectively creating a limited national Good Samaritan law that applies only in circumstances where federal intervention has already been deemed necessary and/or been requested by the affected state(s). Absent such a law, Congress will be forced to revisit this issue when the next public health emergency or federal disaster strikes. Waiting until the emergency has occurred will waste valuable time getting

care to those most in need — care that the victims of a disaster or public health emergency cannot afford.

If enacted, we believe this legislation will ensure that an adequate supply of trained health care professionals will be ready, willing and able to volunteer their services during a catastrophe and that they will not be deterred or turned away due to the threat of specious lawsuits.

On behalf of our coalition members, patients and medical professionals across the country, we strongly urge you to add the *Good Samaritan Health Professionals Act* to legislation reauthorizing the *Pandemic and All-Hazards Preparedness Act*. Addressing this issue now, before the next emergency occurs, will alleviate the conscious and unconscious hesitation many health professionals feel when called upon to provide services outside their typical professional responsibilities, resulting in more needed health care volunteers being available when that time comes.

Sincerely,



Michael C. Stinson, HCLA Chair  
Medical Professional Liability Association



Katie Orrico, HCLA Vice Chair  
American Association of Neurological Surgeons