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July 10, 2023

The Hon. Bernie Sanders, Chair
Cmte. on Health, Education, Labor, and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

The Hon. Bill Cassidy, M.D., Ranking Member
Cmte. on Health, Education, Labor, and Pensions
United States Senate
725 Hart Senate Office Building
Washington, DC 20510

The Hon. Bob Casey, Jr.
Cmte. on Health, Education, Labor, and Pensions
United States Senate
393 Russell Senate Office Building
Washington, DC 20510

The Hon. Mitt Romney
Cmte. on Health, Education, Labor, and Pensions
United States Senate
354 Russell Senate Office Building
Washington, DC 20510

Subject: *Pandemic and All-Hazards Preparedness Act Discussion Draft*

Dear Chairman Sanders, Ranking Member Cassidy, Senator Casey and Senator Romney:

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 recently released *Pandemic and All-Hazards Preparedness Act* discussion draft.

During the height of the COVID-19 pandemic, we saw health professionals across the nation step up and put themselves at risk in many ways to attend to the needs of the afflicted. Recognizing the importance of ensuring that sufficient health professionals were available during the pandemic, Congress wisely saw fit to establish protections from unwarranted medical liability lawsuits for those who not only put themselves at risk of personal harm, but did so without compensation. The *Coronavirus Aid, Relief, and Economic Security (CARES) Act* (P.L. 116-136) included a provision (Sec. 3215) 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 so as to ensure that an adequate health care workforce is available in our next time of need.

The *Good Samaritan Health Professional Act*, (H.R. 2819/Senate introduction pending) 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.

Unfortunately, current state and federal laws designed to protect volunteers 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 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 immediately 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 the discussion draft 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



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