



**MEDICAL PROFESSIONAL
LIABILITY ASSOCIATION**

March 13, 2023

The Honorable Richard Hudson
Committee on Energy and Commerce
United States House of Representatives
2112 Rayburn House Office Building
Washington, DC 20515

The Honorable Anna Eshoo
Committee on Energy and Commerce
United States House of Representatives
272 Cannon House Office Building
Washington, DC 20515

Subject: 2023 PAHPA Reauthorization Recommendations

Dear Representative Hudson and Representative Eshoo:

On behalf of the Medical Professional Liability (MPL) Association and its members that insure approximately one million healthcare professionals and ten thousand hospitals and facilities throughout the United States, I would like to thank you for giving us this opportunity to comment on your request for information on how Congress can best revise and reauthorize the *Pandemic and All-Hazards Preparedness Act* (PAHPA). Reauthorizing PAHPA is a key ingredient to improving our nation's biosecurity and preparedness infrastructure.

The COVID-19 pandemic has severely tested our nation's healthcare system and its ability to respond to pandemics and other large-scale public health emergencies. Three years ago, physicians, nurses, and other medical professionals across America rushed to the front lines in their communities to treat sick patients without worrying about their own safety or the potential liability implications. Fortunately, Congress was wise to enact, through the *CARES Act*, limited civil liability protections for medical volunteers who responded to the outbreak. These protections, however, were only applicable to the pandemic, potentially exposing future healthcare volunteers to unwarranted liability lawsuits when the next public health emergency or national catastrophe occurs. This reality will further exasperate the medical professional workforce crisis that is engulfing our healthcare system. As you consider proposing modifications to PAHPA to the House Energy and Commerce Committee, we would urge you to recommend adding the *Good Samaritan Health Professionals Act* (H.R. 5239/S. 2941 from the 117th Congress) to ensure that Americans have access to an adequate supply of medical volunteers when the next large-scale catastrophe strikes.

The *Good Samaritan Health Professionals Act* would proactively provide the same civil liability protections found in the *CARES Act* to medical volunteers during future, federally declared disasters and public health emergencies, while preserving patients' access to the courts if they are injured due to a medical volunteer's egregious behavior. Additionally, the measure encourages cooperation between federal and state agencies and promotes volunteer registries like the Emergency System for Advance Registration of Volunteer Health Professionals (ESAR-VHP) to expedite the deployment of essential medical volunteers and resources in times of

need. If enacted, this legislation will help ensure that disaster victims have access to an adequate supply of licensed and trained medical professionals who will be ready to volunteer their services at a moment's notice without hesitation.

In closing, the MPL Association appreciates this opportunity to provide input on your effort to forge a path forward to reauthorize PAHPA. Please do not hesitate to contact me at 301.947.9000 or via email at batchinson@mplassociation.org should you need any further information.

Sincerely,

A handwritten signature in blue ink that reads "B. K. Atchinson". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Brian K. Atchinson
President & CEO