



December 4, 2020

The Honorable Josh Gottheimer
U.S. House of Representatives
213 Cannon House Office Building
Washington, D.C. 20515

The Honorable Tom Reed
U.S. House of Representatives
2263 Rayburn House Office Building
Washington, D.C. 20515

Subject: COVID-19 Liability Protections for Healthcare Workers and Facilities

Dear Representative Gottheimer and Representative Reed:

On behalf of the Medical Professional Liability Association and its medical professional liability (MPL) insurer and hospital members, I am writing to thank you for your leadership in pursuing relief for those Americans who have been most impacted by the continuing COVID-19 pandemic and to also express support for meaningful liability protections for our frontline healthcare workers and facilities.

The Medical Professional Liability Association (“MPL Association”) is the leading trade association representing insurance companies, risk retention groups, captives, trusts, and other entities owned and/or operated by their policyholders, as well as other insurance carriers with a substantial commitment to the MPL line. MPL Association members insure more than 2 million healthcare professionals worldwide—doctors, nurses and nurse practitioners, and other healthcare providers—including more than two thirds of America’s private practice physicians. MPL Association members also insure more than 150,000 dentists and oral surgeons, 2,500 hospitals and 8,000 medical facilities around the world.

Healthcare professionals and facilities across our country continue to provide care to patients on the frontlines of the war against COVID-19. These heroes are battling unprecedented conditions and conflicting government guidelines which will result in a flurry of unwarranted lawsuits in the years ahead. As your colleagues and you continue to work on a bipartisan coronavirus relief package, I would ask that you support the inclusion of meaningful liability protections for frontline healthcare workers and facilities. Specifically, I would ask you to keep these four principles in mind as you draft the package:

- Liability protections should apply to all care affected by the pandemic, including care that was altered due to government guidance, and not just to care for COVID-19 patients or suspected patients;
- Liability protections should be for a limited duration;
- Liability protections should be limited to care provided under the scope of licensure/certification, but not limited to normal scope of practice;
- Care that constitutes gross negligence or willful misconduct should not be protected.

You may be aware that legislation to provide liability protections to healthcare professionals and facilities has previously been introduced in each chamber. We support the insertion of either of these bills in the bipartisan package. However, we understand that concerns have been raised about such protections. Therefore, we would like to share recommendations on how each proposal could be modified to address those concerns (**see attachment**).

Once again, thank you for working with your colleagues on both sides of the aisle to craft a coronavirus package which will undoubtedly provide relief to countless Americans amid the recent surge. We are prepared to provide guidance as you continue with negotiations over liability protections for healthcare workers and facilities. Please do not hesitate to reach out if we can be helpful in any way.

Sincerely,

A handwritten signature in blue ink that reads "BK 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