

July 8, 2020

Congressman Andrew P. Harris
2334 Rayburn HOB
Washington, DC 20515

Congressman Steny H. Hoyer
1705 Longworth House Office Building
Washington, D.C. 20515

Congressman C. A. Dutch Ruppersberger III
2206 Rayburn Building
Washington, D.C., DC 20515

Congressman David Trone
Longworth House Office Building, Room
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Washington, DC 20515

Congressman John P. Sarbanes
2370 Rayburn House Office Building
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Congressman Kweisi Mfume
2163 Rayburn HOB
Washington, DC

Congressman Anthony G. Brown
1323 Longworth House Office Building
Washington, DC 20515

Congressman Jamin B. (Jamie) Raskin
412 Cannon House Office Building
Washington, DC 20515

Dear Maryland Delegation:

I write to urge you to work with your Senate colleagues to include narrowly tailored liability protections for healthcare facilities into the final version of COVID-19 Phase IV legislation. Maryland's hospitals, urgent care centers, and primary care practices are nervous to operate, even while state necessary to do so, because they cannot afford to fend off lawsuits claiming they exposed someone to COVID-19.

Healthcare facilities—despite their already stringent cleanliness standards—worry that they will be unable to treat patients who need “elective” surgeries (which are often for serious conditions such as cancer or heart disease) without liability protections. Doctors and Nurses who follow the strict health guidelines and operate in good faith should not be inhibited during work with the fear of legal action.

Moreover, local primary care practices are already struggling economically from this crisis. The lack of liability protection can be disastrous from primary care practices, an inaccurate lawsuit could extract much-needed resources from a practice that is barely surviving

economically. This has a ripple effect; patients who have used the same practice for decades will lose their familiar primary care physician.

There consensus on both sides of the aisle that federal liability protections should only apply to responsible entities. A healthcare facility that fails to act reasonably and prohibits its employees from wearing masks, for example, would not be protected from liability if a patient contracted COVID-19. However, healthcare centers that take safety precautions— such as mandating that employees wear masks and adjusting their operations to help their patients stay at least six feet apart—should not be liable for exposure to COVID-19.

Experts predict that COVID-19 will continue to be a public health threat for at least the next year. Maryland’s hospitals, urgent care centers, and primary care practices cannot afford to operate in uncertainty for so long, they need Congress to pass long-term solutions to help them stay open. Maryland has always been able to rely on you to advocate for our citizens, businesses, and institutions, I know you will continue to do so as Congress negotiates the COVID-19 Phase IV relief bill. I again urge you to work across the aisle to pass narrowly tailored protections against liability for COVID-19 exposure. Maryland health facilities that properly follow health guidelines should be able to operate safely without the fear of being sued.

Signed,

Gene M. Ransom III
CEO MedChi, The Maryland State Medical Society