

Dear Governor [],

Representing emergency physicians on the front lines of caring for the people of our state impacted by the Coronavirus pandemic, the [State] Chapter of the American College of Emergency Physicians appreciates the steps your administration is taking to address the current crisis both with the general population and regarding resource needs for medical care. We look forward to continuing to work with you during these unprecedented times to make sure that our patients receive optimal care.

In order to ensure that emergency physicians and other health care practitioners continue to be available, we would request that you issue an emergency order related to the question of medical liability. Specifically, we would ask that you provide that those providing emergency care related to the COVID-19 pandemic be immune from civil liability absent gross negligence. Such immunity should be granted for the duration of your emergency declaration.

In support of this request, we would point to the unprecedented nature of this pandemic, which requires that emergency physicians and our colleagues provide the best of care under extreme circumstances, including an enormous ongoing increase in the volume of patients, scarce resources, and ongoing clinical trials to determine appropriate treatments. While our doctors have been trained to deal with a high volume of emergencies, the nature of what is before us creates an extraordinary strain on both resources and the well-being of those providing treatment and care. We believe that physicians responding to this crisis must be empowered with the flexibility to make difficult decisions that provide the best patient care possible under the most dire of circumstances and should not later be subject to penalization through tort provisions not written for such a time as this. We also believe that this step will provide an incentive for inactive physicians to resume practice during the pandemic, providing additional resources for care of patients.

We would point out that the Governor of New York state, which is currently at the center of the pandemic, has taken this step, and we believe that other states will soon do so also. We hope that our state will be at the vanguard of this common sense measure.

Thank you for your consideration of this proposal.

Sincerely,