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January 17, 2018

The Honorable Michael Burgess, MD
House Energy and Commerce Committee
United States House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Gene Green
House Energy and Commerce Committee
United States House of Representatives
2322A Rayburn House Office Building
Washington, D.C. 20515

Subject: "Good Samaritan Health Professionals Act of 2017"

Dear Chairman Burgess and Ranking Member Green:

On behalf of the more than 50 domestic medical and healthcare professional liability (MPL/HPL) insurer members of PIAA, I am writing to thank the House Energy and Commerce Subcommittee on Health for scheduling a markup on the *Good Samaritan Health Professionals Act of 2017* (H.R. 1876). This much-needed legislation will ensure that victims of federally declared disasters will have adequate access to medical care following a catastrophic event. I urge the subcommittee to promptly approve the bill.

In recent months, the United States has witnessed numerous natural disasters. Following such events, it is important for injured Americans to have access to sufficient medical resources in a timely manner. Unfortunately, current federal law does not provide adequate protection to healthcare professionals who spontaneously volunteer their medical services during disasters, nor does it protect those volunteers who cross state lines to treat victims of these catastrophes. Compounding this problem, the current patchwork of state laws that aim to encourage medical volunteerism are ambiguous and inconsistent, especially when applied to large-scale disasters. These issues create an environment where vital medical volunteers may be discouraged from providing aid, or may be turned away if they do.

The *Good Samaritan Health Professionals Act of 2017* corrects these problems by providing narrowly-tailored civil liability protections to licensed health care professionals who volunteer their time and skills to treat disaster victims. Additionally, the bill only applies these protections to care delivered during the duration of a federal disaster declaration. Finally, in recent months, we have worked with key stakeholders on both sides of the aisle to make changes to the bill that benefit patients and medical volunteers alike.

In closing, we thank you again for holding this markup and urge the subcommittee to approve this bill before another major disaster strikes the United States.

Sincerely,

Brian K. Atchinson
President and CEO



Congress Should Protect Medical Volunteers During Disasters

In times of crisis, Americans respond with a selflessness and vitality that is unmatched in the world. Healthcare professionals are no exception. They know that their expertise is critical in the event of widespread medical emergencies, and they respond accordingly when disaster strikes. Unfortunately, because of their unique skills, the current medical professional liability system requires healthcare providers to take on an additional layer of risk when they treat victims of disasters. Federal law does not provide civil liability protection to healthcare professionals who cross state lines to provide volunteer care during disasters, nor does it protect those who spontaneously volunteer their services when such circumstances arise. Furthermore, the current patchwork of state laws that aim to encourage medical volunteerism are inconsistent and often unclear, especially when applied to large-scale disasters. Hence, healthcare professionals must often choose between fulfilling their Hippocratic Oath and protecting themselves from civil liability when their fellow Americans need them the most. H.R. 1876/S.781, the *Good Samaritan Health Professionals Act* provides limited protection from lawsuits to healthcare professionals when they volunteer their services during a federally-declared disaster.

H.R. 1876/S.781, “Good Samaritan Health Professionals Act”

- Provides limited civil liability protection to healthcare professionals who treat victims of a federally declared disaster.
- Applies only to healthcare providers serving in a volunteer capacity.
- Protects medical volunteers who respond to disasters outside the purview of a non-profit organization or government agency that is formally recognized to respond to federal emergencies.
- Ensures that disaster victims will have timely access to trained healthcare providers who will provide them with the highest quality care possible.
- Preserves a victim’s access to compensation in the event of an injury that results from an act or omission by the provider that constitutes willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious flagrant indifference to the rights or safety of the victim.
- Enhances clarity regarding the patchwork of state laws encouraging medical volunteerism, thereby reducing risk and uncertainty for healthcare professionals.

Co-Sponsor H.R. 1876 / S.782 Today

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