

April 23, 2020

Subject: Protect Medical Professionals During COVID-19 Pandemic TODAY!

Dear Governor:

As a provider of medical professional liability insurance to many health care organizations in your state, I am writing to urge you to protect medical professionals and facilities from the threat of medical liability lawsuits as they treat patients amid the global COVID-19 pandemic.

While the coronavirus outbreak continues to grow in the United States, those providing medical care on the frontlines of this pandemic have been forced to change the way they deliver patient care. For example,

- Physicians are being asked to practice outside their general practice areas wherever there is a workforce shortage
- Health care professionals and facilities are treating patients without adequate personal protective equipment, raising the risk of transmission
- Medical facilities are being forced to ration care resulting from a shortage of ventilators and other equipment
- There is inadequate availability of testing, which could lead to delayed or inaccurate diagnosis
- Health care professionals are increasingly asked to provide medical care through telemedicine
- Medical providers are being instructed to delay the treatment of patients who seek elective procedures or face other issues unrelated to COVID-19

These circumstances drastically increase the likelihood that medical professionals and facilities will face unwarranted medical liability lawsuits in the months and years to come, for actions taken not only under the guidance of government officials, but at extreme personal risk.

Above all else, we must address the need to have as many health care professionals and facilities available as possible to treat surges in patients brought on by the outbreak. We cannot achieve maximum capacity and capability, however, when health care professionals and facilities are asked to sacrifice so much while being simultaneously threatened with a future of numerous lawsuits based on circumstances outside their control.

It is also possible that not limiting liability may have longer-term impacts on health care professionals' decision to remain in practice, with related impacts on their organizations' viability and on patient access to health care.

To alleviate these threats, we ask that you issue an executive order, or work proactively with the state legislature, to provide full immunity to medical professionals and facilities that provide health care services during the COVID-19 public health emergency. By doing so, care providers can better focus their time and attention on doing what the public expects them to do—meet patients' needs during this unprecedented crisis.

Thank you for your leadership during this difficult time.

Sincerely,

A handwritten signature in black ink that reads "Bill J. McDonough". The signature is written in a cursive, flowing style.

Bill McDonough  
President and CEO  
Constellation