

Kansas Association Medicine



ofOsteopathic

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May 12, 2020

Honorable Fred Patton, Chair and Bradley Ralph, Vice Chair
House Judiciary Committee
Members Kansas State Capitol 300
SW 10th Ave.
Topeka, KS 66612

Dear Chairman Patton and Judiciary Committee Members:

This letter is being written in support of a Health Care Provider COVID-19 Liability Protections Bill. The bill would provide health care providers with much needed protection from liability during the COVID-19 pandemic. It would hold health care providers harmless from civil damages, administrative fines or penalties for acts, omissions, and health care decisions for rendering or failing to render health care services in relation to, arising out of, or as a result of the COVID-19 public health emergency.

The bill would not hold harmless health care providers from liability in the case of gross negligence, willful, reckless or wanton conduct when it is established the health care provider is guilty of the above actions through acts, omissions or health care decisions and patients could have reasonably expected treatment.

Many health care providers in direct primary care have found their practices withering on the vine as the public has avoided seeking routine care for chronic conditions and non-COVID-19 illnesses. Further, elective surgeries were put on hold in Kansas for fear there would not be enough PPE and supplies to do them and deal with COVID-19. This avoidance of non-COVID-19 health care or delays in elective surgery is likely to result in some patients experiencing negative health outcomes but it is certainly not attributable to the health care providers' gross negligence, willful, reckless or wanton conduct.

The provisions of the health care provider liability protection bill should apply to claims for damages or liability from acts, omissions, or health care decisions occurring on or after January 31, 2020. The provisions should continue until the public health emergency declared by the secretary of the U.S. Department of Health and Human Services under section 319 of the Public Health Service Act (42 USC 247d) with respect to the COVID-19 Pandemic is no longer in effect.

Sincerely,

A handwritten signature in blue ink that reads "Vick Whitaker".

Vick Whitaker

Executive Director

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