

Kansas Academy of Physician Assistants

Remarks Concerning Health Care Provider COVID Liability Protections House Committee on Judiciary May 13, 2020

Dear Chairman Patton and Members of the House Committee on Judiciary:

My name is Doug Smith and I serve as Executive Director of the Kansas Academy of Physician Assistants (KAPA). Thank you for allowing the Kansas Academy of Physician Assistants to submit remarks on this matter, which is of great importance to our members.

KAPA serves as the official representative voice for the Physician Assistants (PAs) in Kansas. Our purpose is to enhance the quality of medical care of the citizens of Kansas by providing medical education to physician assistants, other health professionals, the legislative and governing bodies and to the public.

The Kansas Academy of Physician Assistants appears today in support of the language before you, as offered by the Kansas Medical Society.

The quick and rapid spread of the Coronavirus has caused us all to adjust how we live our lives and perform our work functions.

Health care has been one of the hardest hit activities and the negative impacts of that disruption have affected many Kansans. The strain placed on medical resources during this public health emergency is far reaching and in some cases overwhelming.

Clearly, health care professionals working and volunteering on the front lines in the battle against COVID-19 have certain legal protections during this emergency. However, other providers and patient groups have been effected as well.

Providers have been asked to provide patient care outside their specialties to fight COVID and some routine care services, treatments and procedures have been delayed or postponed. Extending healthcare provider civil liability protections to other medical services and resources, which may have been limited or unavailable during the pandemic, is vital.

During this public health emergency, health care professionals acting in good faith should not have their best medical judgment and their treatment decisions questioned later. In these challenging times, health care providers need to be able to offer services without a threat of unreasonable legal liability.

The standard of care for physician assistants and commitment to provide the best care to their patients remains the same.

This proposal is not “absolute” immunity from their actions. Claims of gross negligence and willful misconduct are not precluded from being litigated.

We ask for your support of this Health Care Provider COVID Liability Protections proposal.

Thank you again for your consideration.

Sincerely

Doug Smith
Executive Director