



Good Samaritan Health Professionals Act of 2023

The American Association of Orthopaedic Surgeons (AAOS) supports *the Good Samaritan Health Professionals Act of 2023* (H.R.2819). The legislation expands on previously enacted legislation (see Sect. 4216 of 2020's *CARES Act*) and provides liability protections across statelines for physicians. This is critically necessary for ensuring that the threat of unwarranted lawsuits does not deter volunteer health professionals from serving in future public health emergencies and disasters.

The bill does not interfere with other federal volunteer programs for healthcare professionals, provide immunity from liability for egregious acts, or protect care outside the appropriate scope of practice. It does, however, fill a serious gap in federal and state law applicable to volunteer healthcare professionals.

Why This Legislation Matters:

Following national calamities like a natural disaster or pandemic outbreak, it is crucial for affected Americans to have access to adequate medical resources in a timely manner. Unfortunately, federal law does not provide adequate protection to health care professionals who willfully volunteer their service and expertise in these times of need, nor does it protect those volunteers who cross state lines to treat patients in these emergencies. This creates an environment where vital medical volunteers may be turned away or forced to limit their services at a time when their help is most needed.

Physicians can be found ready, willing, and able to provide care to disaster-affected patients. Unfortunately, due to inconsistencies in federal and state laws, some volunteer health care professionals have been turned away or limited in how they can help because of the threat of medical liability lawsuits. Personal injury lawyers can take advantage of these vague laws and seek financial gain by targeting medical professionals and licensed health care providers who have volunteered their services to disaster victims in times of crisis.

As a result, the current patchwork of federal and state laws that encourage medical volunteerism are inconsistent and often extremely unclear, especially when applied to large-scale disasters that may span across state lines. Additionally, the action taken by states across the U.S. during the height of the COVID-19 pandemic offers precedent for immunity for good faith care provided during the public health emergency.

The *Good Samaritan Health Professionals Act* respects existing medical liability laws in individual states while also creating a more comprehensive and straightforward approach to medical volunteerism during federally declared disasters.

AAOS Recommends:

The AAOS recommends supporting H.R. 2819, the Good Samaritan Health Professionals Act of 2023.

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