AAOS
American Association of Orthopaedic Surgeons

CORONAVIRUS PROVIDER PROTECTION ACT

During the unprecedented coronavirus national public health emergency, health care providers need liability protections as they provide care to patients.

Risks for Physicians:

The coronavirus national public health emergency has created new liability risks for health care providers—none of which are the result of wrongdoing by caregivers or the facilities in which they operate. To meet increasing demand, physicians are being asked to provide care outside of their general practice areas and for which they may not have the most up-to-date knowledge. Delays in access to personal protective equipment, medical supplies, testing, and more could also increase provider liability.

H.R. 7059:

On March 29, 2020, H.R. 7059, the "Coronavirus Provider Protection Act" was introduced by Reps. Phil Roe, MD (R-Tenn.), and Lou Correa (D-Calif.) This bill would provide health care professionals and the facilities in which they work with protections from COVID-19-related lawsuits. The narrowly-crafted liability protections would apply only when:

- The act or omission occurred during the declared COVID-19 public health emergency or within 60 days of termination of the emergency or while providing or arranging care;
- The services were within the provider's scope of licensure/certification, without regard as to whether the service fell within the usual scope of practice; and
- The services were provided in good faith.

Additional actions covered by the bill would include those taken based on direction or guidance from any federal, state, or local official/department/agency.

AAOS Believes:

- **Physicians should not be penalized for following local, state, or federal guidance.**
- **As physicians risk their lives to treat those in COVID-19 "hot spots," they should be provided a uniform level of protection and avoid the situation whereby a patchwork of liability laws across the country would lead to unequal treatment of our frontline healthcare providers and facilities during this national crisis.**
- **Health care professionals and facilities are making every effort to provide the best care possible to an increasingly large patient population, work with limited tools/PPE, and practice under circumstances which are forcing them to shift limited resources to address urgent needs.**

What Congress Should Do:

Congress should pass H.R. 7059, the Coronavirus Provider Protection Act, ensursing that health care providers practicing in good faith during the coronavirus national public health emergency should be protected from circumstances outside our their control, due to the unprecedented nature of this crisis.

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