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## MEMO

April 29, 2020

TO: Members of the Missouri General Assembly

FROM: Daniel Landon  
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SUBJECT: COVID-19 Liability Protections for Health Care Providers

The Missouri Hospital Association urges state legislators to support pending legislation to create time-limited restrictions on the liability of health care providers for actions taken in responding to the many patient care challenges of the COVID-19 pandemic.

There is no doubt that the pandemic has created wrenching changes in the delivery of medical care. Missouri hospitals shut down elective surgeries and other procedures and most outpatient services. They did this to protect patients and workers from infection and to conserve critical supplies of personal protective equipment needed to deal with the anticipated surge of patients. They reconfigured their medical/surgical beds to create 1,000 new intensive care beds equipped to treat acutely ill COVID-19 patients.

Thus far, statewide social distancing standards appear to have curbed the unchecked spread of the virus, with some notable exceptions. Most of the state has not experienced the type of extreme overload and crisis levels of care occurring in other states. However, there is no guarantee they will not arise during the legislative interim after the General Assembly adjourns. New factors may emerge that change the progress of COVID-19 or the ability of the health system to respond. For example, we may have a harsh influenza season this fall, creating significant new demands for hospital capacity and services.

If conditions worsen during this time, providers may be forced to deal with an onslaught of patients and potential unavoidable shortages. They should be able to respond with confidence that they will be able to deliver services without the haunting specter of lawsuits challenging their decisions made under trying circumstances.

The pending legislation would only apply to care delivered during a state of emergency declared by the Governor in response to COVID-19. It currently is before the General Assembly in Senate Bill 662 and House Bill 2049.

We ask that the General Assembly take action to ensure that Missouri laws are as prepared for the remainder of 2020 as Missouri's medical community. MHA and its members urge your support of liability protections for Missouri's health care providers during a declared COVID-19 emergency.

dl/djb