



PROTECT OREGON PROVIDERS AS THEY WORK TO PROTECT US

HEALTH CARE PROVIDERS NEED
IMMEDIATE LIABILITY PROTECTIONS
UNDER COVID-19 EMERGENCY

COVID-19 CRISIS CREATES UNIQUE CHALLENGES AND ADDITIONAL LIABILITY EXPOSURE

- PPE shortages have been a national problem creating significant challenges for individual facilities and providers
- Federal and State requirements and guidance change the way providers deliver care
 - Required to halt all non-urgent and emergent procedures
 - New telemedicine guidance
- There has been a temporary change to the standard of care in response to the crisis, exposing providers to additional liability without any protection

THE GOVERNOR'S EXECUTIVE ORDERS EXPOSE PROVIDERS TO ADDITIONAL LIABILITY

The Governor has issued a series of Executive Orders as a result of COVID-19 *that directly impact the way care is delivered in Oregon. We are specially concerned about 20-10 and 20-22*

- Executive Order 20-03 – Declaring an Emergency due to Coronavirus
- Executive Order 20-05 – Requirements for long-term care and hospitals
- Executive Order 20-10 – Conserving PPE and Hospital Beds, Protecting Health Care Workers, Postponing Non-Urgent Health Care Procedures
- Executive Order 20-22 – Allowing Measured Resumption of Non-Urgent Health Care Procedures using Personal Protective Equipment

These orders change the standard of care and expand liability exposure for our health care community but include NO liability protection!


OTHER STATES ARE PROTECTING THEIR PROVIDERS

- Alabama
- Alaska
- Arizona
- Arkansas
- Connecticut
- District of Columbia
- Delaware
- Georgia
- Hawaii
- Indiana
- Illinois
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maryland
- Massachusetts
- Michigan
- Mississippi
- Missouri
- Montana
- Nevada
- New Hampshire
- New Jersey
- New York
- North Carolina
- Ohio
- Oklahoma
- Pennsylvania
- Rhode Island
- Tennessee
- Utah
- Vermont
- Virginia
- Wisconsin
- Wyoming

35 STATES + D.C. HAVE LIABILITY PROVISIONS CURRENTLY IN PLACE TO PROTECT HEALTHCARE PROVIDERS

POTENTIAL COVID-19 LAWSUITS

- Complaints against providers making decisions about urgent versus non-emergent care
- Delayed treatment or procedures for patients with conditions other than COVID-19
- Delayed diagnosis such as cancer detection due to limited access to services
- Rationing care due to personal protective equipment and testing shortages
- Care outcomes reduced due to delay in care
- Concern over the quality and security of services provided through telemedicine



PROVIDERS NEED AN EXECUTIVE ORDER AND STATUTORY PROTECTION IN THE SPECIAL SESSION

Liability Protection Should Include:

- **Limited Duration for Liability Protection** – only for acts or omissions during the COVID-19 Emergency
- **Limited Scope of Liability Protection** – gross negligence, reckless or willful misconduct would be excluded
- **Protection for Changes to the Standard of Care** – protections when acting under direction of the Governor, State and/or Federal guidance
- **Recognition of COVID-19 Situation** – providers and facilities should not be liable for circumstances beyond their control including limited PPE, limited testing and workforce shortages due to the crisis
- **Protection for Health Care Workers** – employees must maintain access to the remedies for Worker's Compensation outside any liability protections. If employees get sick at work, we want to ensure they are appropriately compensated through long established Worker's Compensation system.



PROVIDERS IMPACTED BY HEALTH CARE LIABILITY PROTECTION

- Physicians
- Registered Nurses
- Pharmacists
- Physician Assistants
- Home Health Agencies
- Home Health Aides
- Nurse Practitioners
- Occupational Therapists
- Ambulatory Surgical Centers
- Certified Registered Nurse Anesthetists
- In Home Care Agencies
- Medical Laboratories
- Dentists
- Social Workers
- Hospitals
- Counselors
- Clinics
- Assisted Living Facilities
- Physical Therapists
- Nursing Homes

THANK YOU FOR YOUR SUPPORT!

