



May 11, 2020

The Honorable Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510

Dear Leader McConnell:

We, the undersigned organizations write on behalf of the millions of men and women and the facilities on the frontlines of the national fight against COVID-19. Together, we represent more than 12 million Americans and their front line caretakers across 65,000 long-term care facilities, including doctors, medical directors, nurses, home health, hospice and palliative care organizations, skilled nursing facilities, long term care facilities, nursing homes, assisted living communities (including dementia and Alzheimer’s care), continuing care retirement communities, and independent senior living communities.

We are writing to respectfully request that Congress act to provide our members with reasonable liability protections during this health crisis by expanding the protections in section 3215 of the CARES Act to all health care professionals and front-line facilities.

As is well known, health care professionals and related staff, and the facilities in which they operate, are severely hamstrung as they fight to protect our nation against the novel coronavirus. The pandemic has highlighted our country’s shortage of personal protective equipment (PPE), lifesaving equipment, intensive care hospital beds, and health care professionals. The impact of these shortages, especially with respect to PPE, is exacerbated by uncertainty surrounding how the virus is transmitted and treatment protocols, and limitations in availability of testing. While the federal government and private entities have taken extraordinary steps to address the pandemic, including government invocation of the Korean War- era Defense Production Act to remedy shortages, significant challenges remain. Despite these challenges, we witness daily acts of heroism as our front-line health care professionals and other key staff, without hesitation, answer the call to protect and save.

Unfortunately, as our membership responds to this crisis, they are increasingly being targeted by those seeking to profit off this national emergency through threats of litigation. Plaintiffs firms are openly advertising their ability to bring liability claims against front line providers and facilities for care decisions, lack of care due to equipment and staffing shortages, and exposures due to inadequate PPE, testing and use of non-hospital facilities to accommodate less acute cases.

Both blue and red states recognize and are acting to protect our front line workers against such threats, with several states implementing reasonable liability protections in light of the extraordinary hardships providers and facilities are facing.

However, this is a national crisis, and a patchwork of State solutions (or sometimes none at all) results in inconsistency and confusion, in turn deterring additional help and creating a snowball effect of increasing financial and human costs. Congress should act to provide consistency in this area.

Congress already took a step in this direction--section 3215 of the federal CARES Act recognized the need to prioritize treatment over torts and provided limited liability protections for volunteer health professionals for health care services performed during the pandemic. That same reasonable, limited liability should be extended to all our front-line health care professionals and health care institutions, including skilled home health, hospice and palliative care organizations, nursing facilities, long term care facilities, nursing homes, assisted living communities (including dementia and Alzheimer's care, continuing care retirement communities, and independent senior living communities. Reasonable protections are warranted given that the virus is highly contagious and can be transmitted by asymptomatic carriers, factors which, when combined with the lack of PPE and testing, have created an unprecedented situation.

We ask that you join us in supporting our critical health care workers and infrastructure. Our health care workers will remain at the center of this crisis for the foreseeable future, and are the lynchpin of our ability to get Americans back to work. Given their service and critical role, they deserve reasonable liability protection during this uniquely challenging and unprecedented time.

Respectfully signed,



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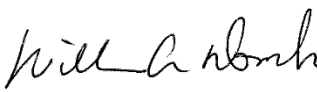
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