



April 3, 2020

The Honorable Jared Polis  
Governor  
State of Colorado  
200 E. Colfax Ave., Rm. 136  
Denver, CO 80203

RE: Liability Protection Expansions for Health Care Professionals on the Front Lines of the Coronavirus Pandemic

Dear Governor Polis,

In order to respond to the pandemic and growing surge of confirmed or suspected COVID-19 patients, health care professionals are operating to the full extent of their capabilities and, in some cases where specialists are stepping in to fill critical shortages, to the limits of their scope of practice. Physicians are stepping up to serve patients in drastically changed practice environments, with fewer resources available to them, and sometimes in completely different practice areas.

The Colorado Medical Society applauds Governor Polis for his steps to address critical workforce shortages thus far, but asks that he take a further step to expand liability protections for Colorado's health care professionals who are putting themselves in harm's way both physically and professionally in order to provide needed care. CMS strongly believes protection expansions go hand in hand with the crisis standards of care currently being developed.

Specifically, CMS respectfully asks for consideration of the following recommendations for the duration of this public health emergency:

1. Extend governmental immunity for the provision of care for confirmed, potential and suspected COVID-19 cases. Extend those same protections for physicians who are operating under crisis standards of care or who are providing care outside of their normal practice location or outside of their primary practiced specialty or sub-specialty in response to workforce surge needs during this public health emergency.
2. Expand liability protections for providers for any service that they provide as a direct result of the pandemic, including enacting broader civil immunity for compensated and volunteer practitioners during this pandemic, and for delayed procedures in direct compliance with previous executive orders.
3. Allow physicians to supervise a greater number of other health professionals and to do so remotely for the duration of the pandemic, based on the judgement of the physician and with full liability protections.
4. Rescind any provision in any medical malpractice policy that may prevent insurance coverage of a provider's work responding to the COVID-19 emergency in another state, and work with insurers to have them waive such limitations in their policies.

The Colorado Medical Society has heard from an overwhelming number of physicians who are either stretched to the limits of their resources in emergency care, primary care, and hospital settings, are working outside of their primary specialty or sub-specialty to provide surge workforce, or are seeing a significant patient drop in their practices and want to lend their help to overburdened parts of the health care system during the pandemic. All have expressed significant concern about liability protections.



COLORADO  
MEDICAL SOCIETY

In order to efficiently and effectively address the coronavirus pandemic and prevent a health care system collapse, health care professionals need immediate action from the state on these recommendations.

Sincerely,

David Markenson, MD, MBA  
President, Colorado Medical Society

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