



**Improving the Health  
of Pennsylvanians**

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**Allegheny County**  
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of Public Health

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Health Department

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[pahealthpolicy.org](http://pahealthpolicy.org)

April 13, 2020

Governor Tom Wolf  
Office of the Governor  
508 Main Capitol Building  
Harrisburg, PA 17120

Re: Liability Protection for Healthcare Workers During COVID-19 Pandemic

Dear Governor Wolf,

The Pennsylvania Health Policy Coalition was established to represent the interests of Pennsylvania's local health departments. We write to request your assistance in extending the capacity of the healthcare workforce in helping to address the COVID-19 pandemic. Specifically, we call on you to issue an Executive Order granting immunity from civil liability to licensed healthcare workers providing care during this public health emergency.

The COVID-19 pandemic created a public health emergency that is rapidly altering the provision of healthcare services across the state. While liability protections exist for *non-volunteer* healthcare professionals, similar protections do not exist for employed and contracted professionals who volunteer to treat patients during the emergency. As a result, states have begun extending liability protection to employed or contracted health care professionals through state orders. For example, Governor Cuomo of New York recently issued an order to provide immunity from civil liability to certain healthcare professionals for any injury or death alleged to have been sustained directly as a result of an act or omission by such professional in providing medical services during the pandemic, unless such injury or death was caused by the professional's gross negligence<sup>1</sup>.

To address the COVID-19 pandemic, your Proclamation of Emergency Disaster of March 6, 2020 states:

"I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment, and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirement excepted."

Additionally, in March 2020, you took multiple actions to increase the number of healthcare practitioners available to respond to the COVID-19 emergency and to ensure continuity of patient care and services. These actions included expediting the issuance of temporary licenses to healthcare practitioners not licensed in Pennsylvania and the suspension of some licensing and regulatory requirements



for nurses, qualified physician assistants and providers with inactive or expired licenses. These measures are excellent, but an important gap remains. As a Coalition, we remain concerned about insufficient healthcare services due to the potential liability of physicians and other health care professionals. The federal government agrees. On March 24, 2020, Secretary of Health and Human Services Alex Azar issued guidance urging Governors to establish medical liability protections for in state and out-of-state physicians, including volunteers, relicensed or recently licensed medical professionals<sup>ii</sup>.

In order to ensure we can deliver ample hospital bed capacity, and providers to serve patients, we believe an Executive Order will help by providing immunities to licensed healthcare individuals, who (1) provide medical services in support of our local response to COVID-19; (2) act reasonably and with good faith in their services and in recordkeeping; (3) may come out of retirement without current registrations to provide medical care; and (4) may travel from out of state to Pennsylvania to assist in the COVID-19 efforts.

Thank you for your attention to this important issue. If you have questions, please contact Justin Harlem at [justin.harlem@phila.gov](mailto:justin.harlem@phila.gov).

Sincerely

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Office of Public Health

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*Director*  
Philadelphia Department  
of Public Health



PENNSYLVANIA  
HEALTH POLICY  
COALITION

Handwritten signature of Henry Radulski in black ink.

Henry Radulski  
*Director*  
Wilkes-Barre City Health  
Department

Handwritten signature of Barbara Kovacs in black ink.

Barbara Kovacs, MPA  
*Director of Health*  
York City Bureau of  
Health

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<sup>i</sup> For more information on Governor Cuomo's executive order, see "<https://www.governor.ny.gov/news/no-20210-continuing-temporary-suspension-and-modification-laws-relating-disaster-emergency>"

<sup>ii</sup> For more information on Secretary Azar's guidance, see "<https://www.nga.org/wp-content/uploads/2020/03/Governor-Letter-from-Azar-March-24.pdf>"