



MEDICAL LIABILITY REFORM

Protection for Physician Disaster Volunteers

Clinical urologists urge support for the Good Samaritan Health Professionals Act of 2017, introduced in the House by Rep. Marsha Blackburn (R-TN-7) and in the Senate by Sen. Bill Cassidy, MD (R-LA). This crucial legislation seeks to shield medical professionals from liability when volunteering their services to help victims of federally-declared disasters.

When a national crisis or catastrophe such as a hurricane, wildfire, flood, or even a terrorist attack occurs, a prompt and adequate medical response can be the difference between life and death, especially for those victims in critical condition. But while physicians and other health care professionals are often willing and eager to assist disaster victims, many have been turned away or otherwise deterred from volunteering due to inconsistent and ambiguous state and federal laws.

The Good Samaritan Health Professionals Act of 2017 (H.R. 1876/S. 781) seeks to address this situation by eliminating liability for health care professionals who serve as volunteers in response to a federally-declared disaster. Under the bill, a health care professional cannot be held liable under federal or state law for harm caused by any act or omission if (1) the professional is serving as a volunteer in response to a disaster; and (2) the act or omission occurs during the period of the disaster, in the professional's capacity as a volunteer, and in a good faith belief that the individual being treated is in need of health care services. Importantly, the bill respects existing state medical liability systems by limiting its protections to individuals treating victims of an event that has officially been declared a federal disaster declaration, and will not apply in cases of willful, criminal, or reckless misconduct, gross negligence, conscious flagrant indifference, or intoxication by the professional while volunteering.

With bipartisan support, this bill will help ensure that victims of national disasters, such as the recent hurricanes in Puerto Rico, Texas, and Florida, will have access to the quality onsite care they need by enhancing clarity regarding the patchwork of state laws encouraging medical volunteerism and reducing risk and uncertainty for health care professionals.

Clinical urologists urge all members of Congress to cosponsor H.R. 1876/S. 781 and help ensure that this important legislation is passed.