

MEDICAL MUTUAL

Liability Insurance Society of Maryland

Bill: Senate Bill 210 – COVID-19 Claim – Civil Immunity

Date: January 26, 2021

Position: *SUPPORT*

Bill Summary

Senate Bill 210 provides individuals, business entities, government entities, health care providers, health care facilities, schools, and other legal entities (collectively “Person”) with immunity from private causes of action related to the exposure or potential exposure to SARS-CoV-2 and the Coronavirus Disease 2019 (collectively “COVID-19”) unless the Person acts with gross negligence or intentional wrongdoing. For a Person to qualify for immunity, the Person must have acted in compliance with all federal, state, and local statutes, rules, regulations, executive orders, and agency orders related to COVID-19; but isolated, minor deviations from federal, state, and local laws that are unrelated to the injury claimed will not strip the Person of immunity. Lastly, Senate Bill 210 only applies to causes of action arising between March 5, 2020, and 180 days after the expiration or rescission of Maryland’s March 5, 2020 Declaration of State of Emergency and Existence of Catastrophic Health Emergency-COVID-19.

Medical Mutual’s Position

As a mutual company, Medical Mutual is owned by its physician policyholders, and it is our mission to provide quality medical professional liability insurance to Maryland physicians. Our policyholders are not only physicians, but a great deal of them are also small business owners. They own their practices and employ Maryland medical and administrative staff. During this ongoing COVID-19 pandemic, and like businesses across the state, many of our physician policyholders had to temporarily close, and some are just getting back to treating patients at pre-pandemic levels.

In enacting Senate Bill 210, Maryland would follow a number of its sister states by recognizing the extraordinary circumstances presented by the COVID-19 pandemic and the need to infuse legal certainty into a recovering economy. This bill does not provide immunity for an infinite period and, instead, narrowly applies to causes of action arising from March 5, 2020, to 180 days after the expiration or rescission of the March 5, 2020 Declaration of State of Emergency and Existence of Catastrophic Health Emergency-COVID-19. In our view, Senate Bill 210 strikes the proper balance of providing targeted protections for those following federal, state, and local

law while allowing actions to proceed against those who have acted with gross negligence or willful misconduct.

For the reasons contained herein, Medical Mutual respectfully requests a ***FAVORABLE*** report of ***Senate Bill 210***.

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