



Committee: Senate Judicial Proceedings Committee
Bill Number: Senate Bill 311
Title: Maryland Health Care Heroes Protection Act
Hearing Date: February 2, 2021
Position: Support

The Maryland Nurses Association (MNA) supports *Senate Bill 311 – Maryland Health Care Heroes Protection Act*. This bill would ensure health care professionals serving on the frontlines, including nurses, protections from undue lawsuits, protections for those who have acted in compliance with state and federal directives to delay non-urgent procedures, and extension of liability protections 180-days after the public health emergency ends.

Nurses are on the frontlines of the unprecedented COVID-19 pandemic and are faced with an unpredictable health crisis. Currently, Maryland’s public health immunity statute lacks adequate liability protections for nurses fighting to save lives during COVID-19 and future public health emergencies. Nurses, acting in good faith, should not be distracted by the threat of unwarranted lawsuits while saving lives during a pandemic. The extension of liability protections for health care workers is not unprecedented. Already, 28 states and Washington, DC have passed legislation and/or executive orders to grant liability protections for health care facilities and providers, and it is necessary for Maryland to do the same.

Since the Governor declared the existence of a catastrophic health emergency on March 5, 2020, the Maryland Department of Health (MDH) has issued no less than 14 amendments to its Various Healthcare Matters directive, including cessation of elective and non-urgent procedures or appointments, conservation of personal protective equipment (PPE), testing priorities, limited visitations, and others. Nurses are directly impacted by these amendments, yet were not offered protections needed to cover actions taken pursuant to these orders. Maryland’s existing public health immunity statute does not offer liability protections to frontline health care workers, especially in the face of a new virus. The Maryland Health Care Heroes Protect Act solves this problem by granting liability protections for health care workers which were unforeseen when the current law was enacted nearly 20 years ago.

Importantly, SB 311 addresses new areas of liability present due to COVID-19 requiring an “all hands-on deck” approach. Retired professionals, out-of-state providers, and advanced medical and nursing students, have answered the call to arms against the pandemic. We owe it to them to ensure their actions undertaken in good faith and for the good of Marylanders are

protected. SB 311 also addresses the need to protect health care workers, such as nurses, after the catastrophic health emergency proclamation is lifted. Nurses will be working at the bedside with patients who are still recovering and facing the lingering effects of COVID-19. The pandemic does not adhere to administrative deadlines, and therefore, it is incredibly important to ensure nurses and other health care heroes continue to be protected in the immediate aftermath.

Thank you for your consideration of our testimony, and we urge a favorable vote. If we can provide any further information, please contact Suhani Chitalia at schitalia@policypartners.net or (240) 506-9325.