

Testimony of American Property Casualty Insurance Association (APCIA)

Senate Judicial Proceedings Committee

Senate Bill 311

Catastrophic Health Emergencies – Health Care Providers – Definition and Immunity (Maryland
Health Care Heroes Protection Act)

February 2, 2021

Letter of Support

The American Property Casualty Insurance Association (APCIA) represents more than 1200 insurers and reinsurers that provide critically important insurance protection throughout the U.S. and world. In combination, our members write 60% of the U.S. property and casualty market policies. APCIA members represent all sizes, structures, and regions—protecting families, communities, and businesses in the U.S. and across the globe. In Maryland, our members write 66.6% of all written premium. APCIA appreciates the opportunity to provide written comments in support of Senate Bill 311.

Thousands of COVID-19 related lawsuits have already been filed nationally¹ and we anticipate a “wave” of new lawsuits in the year ahead. Health care providers, as a result of being on the front lines of the pandemic, have not been exempted from suits.

APCIA supports Senate Bill 311 as an appropriately tailored response to the current emergency. First, this proposal would only apply to those who act in good faith to assist in the state’s response to the current health emergency. It is time limited, recognizing the impact and import of the emergency. And it is limited to those health care facilities that are engaged in servicing patients who would be impacted by the health emergency. Second, it recognizes that during the past year and for the foreseeable future front line health care workers have to engage in patient care despite resource constraints that are at times severe and that they have had to navigate dramatically evolving scientific understanding and medical care guidance in treating their patients. Even a year into the emergency we can expect diagnostics and treatment will evolve significantly in the coming months. Third, a court decision regarding immunity shall be immediately appealable, ensuring that the courts will provide clarity as to the scope of the immunity and other questions regarding the applicability of the statute.

For these reasons, the APCIA urges the Committee to provide a favorable report on Senate Bill 311.

¹ 1 COVID-19 Complaint Tracker, Hunton Andrews Kurth (12.3.20) at <https://www.huntonak.com/en/covid-19-tracker.html>