

MEDICAL MUTUAL

Liability Insurance Society of Maryland

Bill: House Bill 1084 – Catastrophic Health Emergencies – Immunity from Civil Liability

Date: March 3, 2021

Position: *SUPPORT*

Bill Summary

House Bill 1084 provides individuals, corporations, business trusts, partnerships, limited liability companies, associations, joint ventures, government agencies, public corporations, schools, and any other legal entity (collectively “Person”) with immunity from civil causes of action alleging that a Person failed to comply with a state or local order, declaration, rule, or regulation implemented in response to a catastrophic health emergency proclamation (“health emergency”) unless it is shown by clear and convincing evidence that the Person acted with gross negligence or malice. This bill also amends Maryland Code, § 12-303 of the Court and Judicial Proceedings Article to permit an immediate appeal from a circuit court order denying a Person immunity as prescribed under this bill. Lastly, House Bill 1084 applies to causes of action arising during a catastrophic health emergency and applies to actions or omissions beginning on March 5, 2020.

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 majority of them also are small business owners who 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.

By enacting House Bill 1084, Maryland would follow a number of 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 a Person’s actions or omissions during a health emergency including those from March 5, 2020 until the end of the current health emergency. In our view, House Bill 1084 strikes the proper balance of providing targeted protections for those following

state and local law while allowing actions to proceed against those who have acted with gross negligence or malice.

For the reasons contained herein, Medical Mutual respectfully requests a ***FAVORABLE*** report of ***House Bill 1084***.

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