



Maryland
Hospital Association

HB 1437 - Catastrophic Health Emergency – Immunity for Health Care Providers – Repeal

Position: *Oppose*

March 11, 2025

House Health & Government Operations Committee

MHA Position:

On behalf of the Maryland Hospital Association's (MHA) member hospitals and health systems, we appreciate the opportunity to comment in opposition to House Bill 1437, which would repeal existing liability protections for health care providers during a catastrophic health emergency. While we recognize and fully understand the intent to ensure accountability in health care, it is essential to remember the extraordinary challenges that frontline providers face during catastrophic health emergencies.

Health care providers are granted liability protections when acting in good faith during a state-declared catastrophic health emergency. These emergencies are extremely rare and occur due to widespread and severe public health threats, such as pandemics, bioterrorism events, or the emergence of highly infectious diseases. This longstanding framework recognizes that such emergencies are extraordinarily rare, yet when they do occur, a rapid and effective response is critical. The law was designed to ensure that hospitals and health care professionals can prioritize patient care over legal concerns in truly unprecedented situations. The COVID-19 pandemic, which has caused over 1.21 million deaths in the United States, is an example of such an emergency. A catastrophic health emergency is distinct from other states of emergency. Health care providers do not receive immunity from liability when, for example, the Governor declares a state of emergency for natural disasters, widespread power failures, or civil unrest.

Maryland's health care workforce demonstrated remarkable resilience, sacrifice, and dedication throughout the COVID-19 crisis. In the first months of the pandemic alone, hospitals rapidly expanded capacity by adding nearly 6,000 beds to manage the patient surge. They conducted hundreds of thousands of tests for patients, staff, and community members while working tirelessly to secure scarce protective equipment to protect patients and staff. When vaccines became available in late 2020, hospitals played a pivotal role in one of the most ambitious vaccination efforts in U.S. history—ensuring that health care workers and Maryland residents had widespread access to life-saving vaccines.

All of this was accomplished while hospitals continued to care for patients during an acute care surge. None of this would have been possible without the more than 117,000 dedicated caregivers in Maryland hospitals. Liability protections ensured that these professionals could respond swiftly and decisively, focusing on saving lives rather than fearing potential legal consequences for actions taken in good faith.

Repealing these protections may discourage health care providers from acting promptly in emergencies. During the COVID-19 pandemic, providers often had to make rapid decisions under extraordinary circumstances. Liability protections exist to ensure that health care professionals can focus on patient care rather than potential lawsuits, particularly in unpredictable and high-risk circumstances. Without these safeguards, Maryland's ability to respond efficiently to future health emergencies may be negatively impacted, ultimately jeopardizing public health and safety.

The safeguards currently in place allow Maryland's health care system to remain agile and responsive in times of crisis. Removing them could discourage providers from acting when they are needed most and undermine the trust and stability necessary for an effective public health response.

For these reasons, MHA respectfully urges an unfavorable report on HB 1437.

For more information, please contact:

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