

Will Pennsylvania Join Other States and Provide Immunity for Healthcare Workers Treating COVID-19 Patients?

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Pennsylvania healthcare trade organizations, on behalf of healthcare workers across the Commonwealth, are actively pursuing immunity from civil lawsuits related to the treatment of COVID-19 patients. The Pennsylvania Health Care Association and LeadingAge PA, among other groups that represent healthcare workers and institutions, recently authored a letter to Governor Wolf asking him to “stand up for providers and workers, as governors in our neighboring states, including New York, New Jersey, and Connecticut have already done, and issue an executive order providing civil immunity to health care professionals.” The Pennsylvania Medical Society also recently sent a similar letter. According to reports, Governor Wolf is “exploring such immunity for health care professionals,” though there is no indication if he plans to take any specific action on this topic.

Governors in states such as New York, Illinois, Connecticut and New Jersey have already issued executive orders affording healthcare providers immunity from civil lawsuits related to their care of COVID-19 patients, unless the care is grossly negligent. Some states, such as Kentucky, have enacted legislation providing similar protections for healthcare workers. The American Medical Association has issued guidance to all states, asking them to consider enacting similar protections.

A recent proposal to grant immunity to healthcare workers never made it to a vote in the Pennsylvania House of Representatives. The proposal would have provided immunity to healthcare providers and various Pennsylvania manufacturers who have retooled factories to produce medical devices and personal protective equipment, but not for reckless or intentional conduct. The proposal was met with sharp opposition from the Pennsylvania Association for Justice (PAJ), an organization of trial lawyers who represent plaintiffs in lawsuits. The president of PAJ recently described the requested immunity as “a little off putting.” He further commented that he does not “see colleagues championing at the bit to bring lawsuits against doctors and nurses” and others on the front line. On the other hand, the Pennsylvania Coalition for Civil Justice Reform believes that healthcare workers treating patients on the front line are subject to increased liability risks and “deserve the same protections from civil suits their colleagues in other states have been granted.”

As the pandemic continues, so will the debate in Pennsylvania over whether healthcare workers should be immune from COVID-19 related negligence suits. At this time, it appears the state legislature is far from passing immunity legislation. The issue is now in Governor Wolf’s hands – stay tuned.

If you have questions or would like further information, please contact Dan Ferhat (ferhatd@whiteandwilliams.com; 215.864.6297) or another member of our Healthcare Group.

As we continue to monitor the novel coronavirus (COVID-19), White and Williams lawyers are working collaboratively to stay current on developments and counsel clients through the various legal and business issues that may arise across a variety of sectors. Read all of the updates [here](#).

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