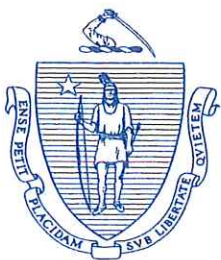


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CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

April 8, 2020

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled “An Act to Provide Liability Protections for Health Care Workers and Facilities during the COVID-19 Pandemic.” The legislation would provide our health care workers and facilities with protections from civil liability while they are on the front lines of fighting the COVID-19 pandemic. I respectfully ask for your immediate attention to providing this critical support for the providers and institutions that have committed their skills and resources to the Commonwealth’s response to this public health crisis.

Filing this bill is one of two actions I am taking today to support care providers who are dedicating themselves to saving lives in the COVID-19 pandemic. I am also issuing a directive that will maximize protections for health care workers and facilities under the Federal Public Readiness and Emergency Preparedness Act (the “PREP Act”) during the state of emergency. This directive will ensure that health care workers and facilities that distribute and administer testing, drugs, and medical devices for the diagnosis and treatment of COVID-19 are protected from suit and liability to the maximum extent possible under the PREP Act.

Maximizing the protections of the PREP Act is an important first step. It is not, however, enough by itself to protect our front-line health care workers and providers in these unprecedented circumstances. Because the Act’s limitations on liability apply only to the administration of drugs, testing, and medical devices for the diagnosis and treatment of COVID-19, its protections do not cover care that does not involve these tools.

That is why I am filing this bill, which would provide broader liability protections appropriate to the scope of the challenge our health care providers are confronting. This legislation would protect health care professionals, including doctors, nurses, and emergency medical technicians, and certain health care facilities from liability and suit when the care that they provide is impacted by the COVID-19 emergency. It would also provide critical protections for the health care professionals who will work at the field hospitals that we are standing up at the DCU Center in Worcester and the Boston Convention and Exhibition Center, facilities that

are not contemplated under traditional standards of care but that are absolutely required to expand our health care system's capacity in this time of crisis.

I cannot overstate the urgency of enacting this legislation. We need to ensure that fear of liability will not prevent the Commonwealth and its medical institutions from acting decisively to deliver the kind of medical response we need during this pandemic. I urge your prompt enactment of this legislation

Respectfully submitted,



Charles D. Baker
Governor