



2924 Emerywood Parkway
Suite 300
Richmond, VA 23294

TF 800|746-6768
FX 804|355-6189

www.msv.org

April 22, 2020

The Honorable Ralph Northam, MD

1111 E Broad Street
Richmond, VA 23219

Re: Health Care Stakeholder Response to Executive Order 57 and Request for Health Care Provider Liability Protections

Dear Governor Northam:

The undersigned thank you for your unwavering support of the Commonwealth's physicians, PAs, and other health care workers. These clinicians are making tremendous sacrifices as part of the Commonwealth's emergency response to the novel coronavirus (COVID-19) pandemic. While some of our physician and PA members are on the frontlines treating COVID-19 patients, others have been ordered to stay at home or provide limited care to protect the health of both providers and patients and to conserve scarce resources during this pandemic.

Virginia's physician and PA community was disappointed to not be consulted before the issuance of Executive Order 57; however, we greatly appreciated the thoughtful dialogue with Secretary Carey on Friday afternoon. Any effort to bolster Virginia's health care workforce should incorporate the thousands of Virginia physicians who have scaled back seeing patients and postponed elective procedures in response to COVID-19. In Virginia, physician offices are reporting a 40-60% reduction in patient visits. The decrease in patient visits has forced practices to furlough or lay off staff and limit their business hours.

Virginia's physicians are available and willing to help the Commonwealth care for our citizens during this public health crisis. Support from the Administration is vital to preserving the viability of independent practices, who employ tens of thousands of Virginians and provide patient care across the Commonwealth. Instead of authorizing out-of-state providers to administer care and removing more nurse practitioners from the patient care team—as permitted in EO 57—the Commonwealth should work to strengthen Virginia's available medical workforce with the funding, protection, and resources needed to safely care for patients.

An essential step in strengthening Virginia's physicians is to give them the certainty they need to do their jobs in this unprecedented environment. Providers have seen an increase among the legal community discussing and advertising the possibility of tort litigation for their response to the COVID-19 pandemic. Hospitals and other health care facilities that have postponed non-essential health care services to dedicate resources to COVID-19 emergency response are facing significant losses that place the viability of the health care system at risk. Many health care

providers may not be afforded the necessary legal protections to prioritize patient care without clarification of existing statutes and declarations from your Administration.

The undersigned respectfully requests that you support health care providers by issuing an executive order—as [we sent in a letter to your office](#) on April 7th—that will afford Virginia’s physicians, PAs, and nurses with the legal protections necessary to fully focus on treating patients and containing this pandemic rather than lawsuit mitigation. With so many Virginia physicians eager to devote their expertise to helping the Commonwealth in this crisis, we also ask that you allow Executive Order 57 to expire on June 10, 2020 or upon rescinding of the disaster order/stay at home order.

We thank you for your consideration of these specific measures to assist health care providers and ensure their ability to provide care to Virginians in the future.

To discuss this matter further, please contact Medical Society of Virginia Assistant Vice President of Government Affairs, Clark Barrineau at cbarrineau@msv.org or 704-609-4948.

Sincerely,

American Academy of Pediatrics – Virginia Chapter
American College of Physicians, VA Chapter
American College of Radiology – Virginia Chapter
Medical Society of Virginia
Psychiatric Society of Virginia
Virginia Academy of Physician Assistants
Virginia College of Emergency Physicians
Virginia Orthopaedic Society
Virginia Society of Anesthesiologists
Virginia Society of Eye Physicians and Surgeons
Virginia Society of Plastic Surgeons