



**TESTIMONY OF
CONNECTICUT HOSPITAL ASSOCIATION
SUBMITTED TO THE
JUDICIARY COMMITTEE
Monday, March 22, 2021**

HB 5125, An Act Concerning The Provision Of Immunity From Civil Liability For Entities That Have Operated Pursuant To Health And Safety Guidelines During The COVID-19 Pandemic

The Connecticut Hospital Association (CHA) appreciates this opportunity to submit testimony concerning **HB 5125, An Act Concerning The Provision Of Immunity From Civil Liability For Entities That Have Operated Pursuant To Health And Safety Guidelines During The COVID-19 Pandemic**. CHA supports the bill, and requests that the bill be amended to confirm, codify, and extend the duration of certain protections from civil liability for healthcare facilities and healthcare professionals for actions or omissions in support of the state's response to the COVID-19 pandemic conferred by the Governor through executive order.

Since early 2020, Connecticut's hospitals and health systems have been at the center of the state's response to the current global public health emergency. Hospitals expanded critical care capacity, staffed to meet unprecedented patient need, deployed community COVID-19 testing locations, and are now playing a key role in the administration of vaccines. Through it all, hospitals and health systems have continued to provide high-quality care for everyone, regardless of ability to pay. This tireless commitment to the COVID-19 response confirms the value of strong hospitals in Connecticut's public health infrastructure and economy and reinforces the need for a strong partnership between the state and hospitals.

The coronavirus that causes COVID-19 and its variants was, and still remains, a grave threat to public health and safety in the state of Connecticut. At the onset of the pandemic, COVID-19 caused unanticipated health effects that were not yet well understood by the medical community. Vaccines and effective treatments for COVID-19 were not widely available, and hospitals faced new and unanticipated challenges as a result of the pandemic.

In order to respond adequately to the public health emergency posed by the COVID-19 pandemic, it was necessary to supplement Connecticut's healthcare workforce and the capacity of healthcare facilities to deliver life-saving care. In order to encourage maximum participation in efforts to expeditiously expand Connecticut's healthcare workforce and ensure sufficient capacity, the Governor declared healthcare facilities and providers would have protection against liability for good faith actions taken in the course of their significant efforts to assist in the state's response to the current public health and civil preparedness emergency.

The Governor issued Executive Order No. 7V, Section 6, providing certain protections from liability for healthcare facilities and healthcare professionals for actions or omissions in support of the state's response to the COVID-19 pandemic. These orders established that any healthcare professional or healthcare facility shall be immune from suit for civil liability for any injury or death alleged to have been sustained because of the individual's or healthcare facility's acts or omissions undertaken in good faith while providing healthcare services in support of the state's COVID-19 response, including but not limited to acts or omissions undertaken because of a lack of resources, attributable to the COVID-19 pandemic, that renders the healthcare professional or healthcare facility unable to provide the level or manner of care that otherwise would have been required in the absence of the COVID-19 pandemic.

On February 8, 2021, the Governor issued Executive Order No. 10A, which established an expiration date of March 1, 2021 for civil liability protections applicable to healthcare facilities, including hospitals, despite the continuation of the public health and civil preparedness emergency. The COVID-19 pandemic remains a grave threat to public health and safety and civil preparedness, as do the challenges to hospitals and other healthcare facilities to respond to unanticipated health effects, given the erratic and pernicious nature of the virus and its variants.

Given these precarious and uncertain circumstances, we believe that measures intended to encourage maximum participation, flexibility, and capacity remain necessary to support our healthcare facilities and providers. We urge the Committee to amend HB 5125 to codify the civil liability protections conferred by the Governor through executive orders, and to extend these protections applicable to healthcare facilities and healthcare providers for the duration of the time period of the COVID-19 pandemic, as defined in HB 5125.

Thank you for your consideration of our position. For additional information, contact CHA Government Relations at (203) 294-7310.