

To: Members of the Ohio Senate Judiciary Committee

Fr: Monica Hueckel, Senior Director of Government Relations, Ohio State Medical Association
Joe Rosato, Director of Government Relations, Ohio State Medical Association

Da: May 13, 2020

Re: SB 308

On behalf of the Ohio State Medical Association (OSMA), the state's oldest and largest professional organization representing Ohio physicians, medical residents, and medical students, we appreciate the opportunity to provide testimony in support of Senate Bill 308, regarding liability of service providers (including medical professionals) during an emergency.

This has been a primary and priority issue for our association in light of the ongoing COVID-19 pandemic in Ohio, and on the radar of the entire medical community. The OSMA has worked with the Ohio Hospital Association and the Ohio Health Care Association on this issue and echoes their comments on SB 308. The OSMA is a part of the Ohio Alliance for Civil Justice (OACJ), which was formed to champion common sense civil justice in our state and prevent inappropriate or exploitative use of lawsuits. The OACJ is supportive of this legislation, which allows for protections not only for health care professionals during a declared disaster, but also for Ohio businesses and others.

The expanded civil immunity for medical providers in the bill covers actions taken during an emergency, including decisions to withhold or withdraw health care services in compliance with an executive or director's order. This immunity extends to professional discipline and other civil actions, and limits liability to actions, omissions, decisions, or compliance that constitutes willful or wanton misconduct.

This issue has been of serious concern to many of our members during the temporary postponement of a broad swath of elective medical procedures pursuant to an emergency order issued by the Department of Health during the early stages of the COVID-19 crisis, and also as many health care practices have recently begun to resume certain care under the Department and Governor's direction. We are grateful to the sponsor for bringing this legislation to the Senate in order to help resolve the concerns Ohio physicians have, and also for the flexibility of the language in SB 308 which will allow for it to apply to any potential declared disaster in the future.

Thank you for your consideration of our comments regarding SB 308 and for the opportunity to be a meaningful contributor to the legislative process. If you have any questions or would like to discuss this issue further, please feel free to contact us.