

July 16, 2020

The Honorable Mike Kelly  
1707 Longworth House Office Building  
Washington, DC 20515

Dear Representative Kelly:

On behalf of the American College of Emergency Physicians (ACEP) and our 40,000 members, I would like to share our support for H.R. 7538, the “Essential Workforce Parity Act.”

Emergency physicians are putting themselves at risk each day while facing tremendous challenges during the COVID-19 pandemic, including inadequate safety supplies, scarce or changing information on treatment protocols, insufficient testing, and a lack of other essential resources needed to combat this disease. Despite these obstacles, we continue to go above and beyond, doing everything possible to treat the sick and bring comfort to others, often without regard for our own wellbeing.

As you know, emergency physicians and other health care professionals were exempted from provisions of the “Families First Coronavirus Response Act” (P.L. 116-127) that require employers to provide paid sick leave to employees. Since the beginning of the pandemic, emergency physicians have been on the front lines of the response and are among the most at risk of infection, treating patients with COVID-19 on every shift, even as we still face shortages of essential protective equipment. To truly ensure an adequate health care workforce, emergency physicians deserve the same paid leave protections to ensure we have the time and ability to recover from COVID-19, without the fear of potentially losing our jobs while sick.

Additionally, the very health care professionals and facilities that are so dedicated to preserving and protecting the health of the American public should not face unwarranted legal action for our efforts to respond to the COVID-19 crisis, often under challenging conditions and limited resources. Yet, we still face the threat of medical liability lawsuits, which may come long after public memory of our sacrifices is forgotten, for outcomes that were frequently beyond our control, given that the normal standard of care is impeded by limited capacity and access to needed medication, equipment, or other resources and supplies.

America’s health care system cannot achieve maximum capacity and capability when we are asked to sacrifice so much while being simultaneously threatened with a future of numerous lawsuits based on this evolving pandemic. The “Essential Workforce Parity Act” would extend paid leave protections to emergency physicians and health care professionals; establish valuable protections for care provided during the emergency, as well as 60 days following the termination of the emergency declaration; account for Federal, State, or local guidance or recommendations in response to COVID-19; and safeguard our treatment decisions that takes into account a lack of resources, including manpower, attributable to COVID-19. Furthermore, your legislation would exclude harm as a result of gross negligence or willful misconduct.

Thank you for your leadership on this important issue and we look forward to working with you to enact this valuable legislation.

Sincerely,



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ACEP President

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