



THE GOOD SAMARITAN HEALTH PROFESSIONALS ACT

Orthopaedic surgeons receive years of training in the treatment and care of traumatic and critical injuries that enables them to provide life- and limb-saving services in emergency situations across the country and around the world. Unfortunately, despite the fact that many surgeons foster a sincere desire to lend their unique skills to patients and communities in need, there are gaps in the U.S. volunteer system that hinder rapid physician response during federally-declared disasters.

Intra-jurisdictional differences and a lack of clarity in current medical liability laws prevent surgeons and other providers from knowing if they are putting their career at risk by offering good-faith volunteer services in disaster zones. Especially in light of recent events, including the hurricanes that hit Texas, the Gulf Coast, and Puerto Rico, appropriate protections that allow health care volunteers to safely deploy across state lines are imperative.

The AAOS believes that health care professionals should be able to volunteer their services during a disaster without the threat of frivolous or unfair lawsuits.

Why the Good Samaritan Health Professionals Act Matters:

The Good Samaritan Health Professionals Act (H.R. 1876/S. 781) would address gaps in federal and state laws to ensure that vital health care services provided by orthopaedic surgeons and other medical volunteers are available to patients and communities in an emergency, all while respecting existing medical liability laws in individual states. By addressing these gaps, this legislation will ensure that an adequate supply of trained health care professionals are ready, willing, and able to volunteer their services during a disaster, and that they will not be deterred or turned away by the threat of lawsuits.

The Good Samaritan Health Professionals Act Will:

- In good faith scenarios and in harmony with existing state medical liability laws, protect health care professionals from liability under federal or state law for harm caused by an act or omission while the provider is volunteering during a federally-declared disaster;
- Not apply to willful or criminal misconduct or negligence, or if the provider was under the influence of drugs or alcohol; and
- Urge cooperation between federal and state agencies and licensing boards to facilitate the timely movement of properly licensed volunteer health care professionals to areas affected by a federally-declared disaster.

What Congress Should Do:

Congress should support the passage of H.R. 1876/S. 781, the Good Samaritan Health Professionals Act.

