



# Pennsylvania

CHAPTER

Pennsylvania Chapter  
American College of Cardiology

1554 Paoli Pike, Suite 298  
West Chester, PA 19380

[www.pcacc.org](http://www.pcacc.org)

April 20, 2020

The Honorable Tom Wolf  
Governor of the Commonwealth of Pennsylvania  
501 Main Capitol Building  
Harrisburg, PA 17120

Dear Governor Wolf,

On behalf of the Pennsylvania Chapter of the American College of Cardiology (PaACC) and its more than 2500 cardiovascular health care team members across our great Commonwealth, I am reaching out to you to request an Executive Order for Medical Liability Protection during this terrible COVID-19 pandemic.

First and foremost, allow me to offer to you, Secretary of Health Rachael Levine, and your entire staff, my sincere gratitude for your superb handling of this crisis. Your team has really risen to meet this challenge, giving us all timely information and making excellent decisions during a very stressful time.

As you are very well aware, many physicians and other health care workers - including my cardiovascular colleagues - are struggling to care for the sheer volume of these high acuity patients. In some cases, we feel understaffed and overwhelmed, and are often practicing at or beyond the limit of our usual scope of practice. The absence of rapid COVID-19 testing leads to potential delayed diagnosis, the absence of adequate PPE often limits proper physical exam and puts health care workers at risk of contracting the illness (and potentially spreading it to others), elective cardiovascular procedures in non-COVID patients are being delayed, and in some places the lack of ICU beds and/or ventilators leads to potential rationing. All of these issues not only cause significant mental "stress" but also increase our future liability.

At this time, near the peak of the crisis, we health care workers frequently receive praise and admiration from the public. However, many of us fear that when the dust settles, sometime in the future, cases may be reviewed in a different light - one that does not accurately or fairly take into account the situation in which we currently practice. What is currently a "thank you, doctor" may turn into "what were you thinking, doctor?".

This is not to excuse gross negligence in any way - that should be appropriately adjudicated. Rather, instead, we seek protection against so-called frivolous lawsuits in which "scope of practice" is the main weapon used by the plaintiff attorney.



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There is indeed precedent for this type of Executive Order, with similar orders recently issued in multiple states including New York, Connecticut, Vermont, Arizona, Illinois, and Mississippi.

Thank you again for understanding our situation and concerns. We hope that you will declare an Executive Order giving physicians and other health care workers some well-deserved liability protection when caring for patients with and without COVID-19 - particularly as it relates to scope of practice during this pandemic.

Please reach out to me at any time to discuss this issue - or any others related to cardiovascular professionals/patients - at [awaxler@comcast.net](mailto:awaxler@comcast.net) or 484-332-0881 (cell).

Sincerely and with much gratitude,

Andrew R. Waxler MD, FACC  
President, Pennsylvania Chapter of the American College of Cardiology  
Governor, American College of Cardiology, Eastern Pennsylvania

cc:

Rachel Levine, MD  
Pennsylvania Medical Society  
American College of Cardiology