



MASSACHUSETTS MEDICAL SOCIETY

Every physician matters, each patient counts.

January 21, 2022

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The Honorable Karen Spilka
President, Massachusetts Senate
State House, Room 332
Boston, MA 02133

Dear Madame President:

The Massachusetts Medical Society (MMS) is grateful for your leadership in the continued effort to address the many crises brought on by the COVID-19 pandemic. We urge your support for and inclusion of several important measures as you consider new COVID-19 legislation. The MMS strongly supports additional, targeted funding to increase vaccination rates among young children, to provide quality masks to school-aged children, to improve the availability and accessibility of testing across the state, and to support the COVID-19 Vaccine Equity Initiative to raise vaccination rates & booster shots in communities disproportionately impacted by COVID. It's important that we keep equity at the forefront of all our policy decisions.

We wish to highlight further measures for your consideration that are also of great importance to the physician community. First, in addition to supporting the allocation of funding and resources for testing in our schools, we also ask that you consider including funding for testing of staff and employees in physician practices and medical offices. One of the top concerns we hear from our members, including internists, pediatricians, family practitioners and other primary care physicians, is the inaccessibility of testing. Without the ability to regularly test staff, many employees must remain out of work to quarantine safely, leaving primary care practices struggling to keep their doors open to continue to provide care for patients. Improving access to testing for employees and staff of medical practices will address one key access point for care and help lessen the burden on our urgent care centers and hospitals.

We'd also like to underscore an important measure related to liability protections, which was included in H.4345. During this time of evolving challenges facing our health care system, it is critical for Massachusetts to equip the health care workforce with the resources and protections necessary to continue providing optimal quality care to patients and protecting the public health of our Commonwealth. Recognizing this need, the liability protections contained in H.4345 reduce unreasonable liability exposure, reflecting the extreme circumstances under which clinical care is being provided during this public health emergency.

Unprecedented staffing and inpatient bed shortages, provider burnout, increased patient boarding, and an uncertain future have led to a system-wide crisis in health care. The surge caused by the omicron variant has only exacerbated these challenges, which has drastically impacted the conditions under which physicians must operate as they strive to provide timely access to critical health care services for patients. As you know, many of our hospitals have surpassed their capacity, forcing physicians to make impossible decisions under unthinkable circumstances about how to allocate beds and prioritize treatment of patients. These treatment conditions increase liability exposure for physicians delivering direct COVID-19 care and those continuing to provide other medically necessary care, including those offering care outside of hospital settings. Primary care physicians and other specialists have significant liability exposure due to the

delay in access to many kinds of services, especially diagnostic services including imaging and testing, which may lead to delayed diagnoses. The liability protections in H.4345 provide a path to address unconventional needs with accessible resources while still preserving patients' legal protections against unacceptable conduct.

We urge your support these all these important measures to help alleviate many of the crises in the health care system, which will allow the health care workforce to focus its attention to the most fundamental concern—the patients. This legislation is critical to best address the ongoing struggles and inequities that have only intensified under this latest omicron-fueled surge. Thank you for your consideration.

Sincerely,

Carole E. Allen, MD, MBA, FAAP