



March 25, 2020

The Honorable Andrew Cuomo
Governor, State of New York
The Capitol - Executive Chamber
Albany, New York 12248

Dear Governor Cuomo:

The physician members of the New York Chapter of the American College of Physicians are grateful for your leadership during this very difficult period in the battle against COVID-19. Internal medicine physicians stand with you on the front lines of the pandemic, and the leaders of our Chapter are ready to amplify your calls to action, and to assist you in any way we can. Internists who work in healthcare settings knowingly accept the risk of exposure to the coronavirus, yet continue to serve in critical roles. Physician members of NYACP are proud to be active partners with the State in meeting and combating the COVID-19 threat.

As the spread of the virus continues to escalate, however, a new issue is emerging that threatens to disrupt the pipeline of surge physicians. When the need for allocation of ventilators results in some patients being denied access, physicians will face enormous ethical challenges that may be compounded by professional or criminal liability exposure as they deviate from current practice standards. Your help is needed now in staving off this threat by establishing crisis standards of care. We also ask that you issue an Executive Order extending immunity from liability for physicians who follow the NYS guidelines you promulgate for the allocation of ventilators and other components of critical care. These steps are crucial for effective triage efforts and will be necessary to secure healthcare professional manpower and maintain their professionalism and morale. Without your declaration of crisis standards of care and immunity from liability during the COVID-19 resource crisis, the leaders of NYACP are worried that years of litigation will follow physicians called to serve. Protecting physicians from liability challenges is an important component of the success of COVID-19 initiatives.

New York has long been a pioneer in public health initiatives. The work of the New York State Task Force on Life and the Law and their 2015 Ventilator Allocation Guidelines was forward looking. Your leadership in securing resources for New York and calling for the Army Corp of Engineers and FEMA to build and staff hospitals will be life-saving. We hope you can do more by issuing the state crisis standards on ventilator allocation and immunity by Executive Order. This will be critically important as the State responds to the COVID-19 crisis.

Thank you for your thoughtful consideration of this request. Please be assured that the members of NYACP stand ready to assist you in any way we can.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather G. Bennett".

Heather G. Bennett, JD, PhD
Executive Director

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