



PENNSYLVANIA  
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May 7, 2020

The Honorable Tom Wolf  
Governor  
Commonwealth of Pennsylvania  
225 Main Capitol  
Harrisburg, PA, 17055

Re: Thank you and request for clarification -  
immunity for healthcare workers

***VIA Electronic Mail Transmission Only***

Dear Governor Wolf,

On behalf of over 8,400 Osteopathic physicians in the Commonwealth, the Pennsylvania Osteopathic Medical Association (POMA) thank you for your leadership in issuing your Executive Order providing immunity to Osteopathic physicians and other healthcare professionals treating COVID-19 patients.

POMA appreciates your recognition and support of Osteopathic physicians and healthcare providers who are on the frontlines of this pandemic, making decisions in rapid-fire time, in order to treat patients who have been affected with this virus. This Executive Order will provide many healthcare workers a comfort level, knowing they will not have to look over their shoulder once we defeat this pandemic.

However, there is one issue that urgently needs clarification to protect the health of Pennsylvania residents: As issued, the Executive Order may be interpreted as applying only to services provided in facilities and not in community outpatient settings, such as physicians' offices.

This could lead to the unintended consequence of having individuals with any COVID-19 symptom being referred routinely to hospital emergency rooms (where there is liability protection) rather than being seen, diagnosed and treated in, for example, physician's offices (where there arguably is no liability protection). Thus, for example, patients who don't have COVID-19, but do have some of the symptoms, could overwhelm emergency rooms.

It is possible that you intended the designation of "any alternate care site" as a covered place of treatment to include physicians' offices. However, the language is not clear and we urge you to either clarify or amend the Executive Order to specifically provide liability protection to

Osteopathic physicians and other health care providers who treat COVID-19 patients in community outpatient settings, such as physicians' offices.

We would be happy to discuss this urgent issue with you, members of your staff or of the Department of Health. Please contact me or POMA's Executive Vice President, Public Policy, Andy Sandusky [asandusky@poma.org](mailto:asandusky@poma.org) if we can provide additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Gene M. Battistella, DO". The signature is fluid and cursive, with the letters "G", "B", and "D" being particularly prominent.

Gene M. Battistella, DO  
POMA President