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April 7, 2020

Dear Governor,

The American Academy of Emergency Medicine represents over 8000 emergency physicians and emergency medicine residents across America, and is the only professional society for the doctors who staff our nation's emergency departments that restricts membership to board-certified specialists in the field. These dedicated physicians are on the front line of the COVID-19 epidemic, placing themselves in harm's way to serve those who need them and fulfill the noblest traditions of the medical profession – and risking the health and perhaps even the lives of their families at the same time.

We have seen that even our advanced healthcare system can be overwhelmed in just days. Physicians from the emergency department to the intensive care unit are being forced to answer questions that have only painful answers. Last week one of us faced the following dilemmas in just a single shift in an emergency department in New Orleans:

- Which of the six ambulance patients who arrived at roughly the same time should get the next bed, when every available bed already has a patient on it?
- Should the 80-year-old patient with impending lethal respiratory failure get one of the last two ventilators in the hospital, when at least one of the several much younger patients in the waiting room with severe shortness of breath may need one of those ventilators to stay alive before the shift is over?
- Should we waste valuable time and resources by performing CPR on a chronically ill nursing home patient in cardiopulmonary arrest due to apparent COVID-19, even if their advance directive says "full code"?
- What should we do with the homeless psychiatric patient who appears to have COVID-19 but isn't dangerously ill – at least at the moment?

Challenges like these were faced by hundreds or thousands of physicians in America today and will be faced by tens of thousands in the coming weeks. As we wrestle with such ethical dilemmas while risking our safety and that of our families, the last thing we should have to worry about is being sued for malpractice by someone who disagrees with our decisions months or years later, when people have forgotten how bad it was during the epidemic.

AMERICAN ACADEMY OF EMERGENCY MEDICINE

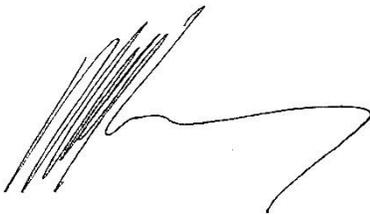
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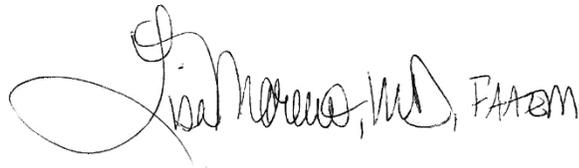
AAEM is asking you to use whatever legal authority you have as governor to protect us from such unfair Monday-morning quarterbacking and second-guessing. It isn't right that we can be blamed and financially penalized because we don't have all the resources we need to do everything we would like to do for every patient.

During a declared state of emergency many governors have the power to protect emergency physicians and other doctors by extending the state's sovereign immunity to them or by raising the standard to prevail in a malpractice suit from ordinary negligence to gross negligence/willful misconduct, or both. If you have that authority under standing law, please use it immediately. If you don't, please ask your legislature for it immediately. AAEM begs you to support the dedicated medical professionals who are risking their lives to care for the sick and dying during this pandemic. Legal liability should be one thing these doctors don't have to worry about.

Sincerely,

A handwritten signature in black ink, appearing to read 'David A. Farcy', with a stylized, sweeping flourish at the end.

David A. Farcy, MD FCCM FAAEM
President, AAEM

A handwritten signature in black ink, appearing to read 'Lisa A. Moreno, MD, FAAEM', with a large, elegant loop at the beginning.

Lisa A. Moreno, MD MS MSCR FAAEM FIFEM
President-Elect, AAEM