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May 12, 2020

TO: REPRESENTATIVE FRED PATTON, CHAIRMAN  
HOUSE JUDICIARY COMMITTEE

FROM: TODD FLEISCHER, EXECUTIVE DIRECTOR

RE: HEALTH CARE PROVIDER COVID LIABILITY PROTECTIONS BILL

On behalf of the Kansas Optometric Association, I would like to express the association's support of the language drafted by the Kansas Medical Society addressing health care provider liability protections.

As primary care providers in communities across Kansas, Doctors of Optometry followed CDC guidelines and limited comprehensive care for nearly two months while remaining available and open for emergent and essential care, to mitigate any unnecessary visits to emergency rooms and urgent treatment facilities for eye and vision care needs. They have gradually returned to begin scheduling more comprehensive care, but it will take some time to establish a new normal for their practices.

During the course of their closure and gradual reopening to routine care, many members expressed concerns about patients who may not be receiving necessary care because they were reluctant to come in or did not realize their condition would have been considered "urgent" so they could be seen by their optometrist. They worry about the potential long-term consequences for patients who weren't able to receive comprehensive care during this time.

This isn't unique to optometry, as most primary care health care providers postponed non-urgent care for patients based on guidance from federal, state and local health officials. We believe it is important to provide liability protection for all health care providers for acts, omissions, health care decisions or the rendering of (or failure to render) health care related to or as a result of the COVID-19 public health emergency, except in cases of gross negligence or willful, reckless or wanton conduct.

Thank you for your consideration of this protection for our health care provider community.

