



Medical Association Working with Stakeholders on Elective Surgery Options



As discussions take place within state government about re-opening the state to retail businesses and other commerce, the Medical Association is working with state leaders on a plan that would allow physicians to safely resume elective surgeries and other health care services that have been significantly reduced due to the COVID-19 crisis.

The Medical Association fully supports the current health order and the Governor's position that there needs to be a consistent reduction of new cases before measures can be adopted to open up the state to full economic activity. However, conversations do need to begin with stakeholders about the timing of the relaxation of the health order and the guidelines that would accompany any revised order.

The principles that the Medical Association support in making these decisions are as follows:

1. Ensuring Health Workforce Safety
2. Availability of adequate PPE
3. Availability of widespread testing
4. Development of robust contact tracing

The current health order purposely gives physicians broad discretion to determine what health services are essential and what services can be delayed. Similarly, it is the Association's position that under any new health order, physicians should have the ability to determine if their practice environment and protocols meet the broad thresholds listed above and show the flexibility to develop their own internal policies to do so.

As Governor Ivey and Dr. Scott Harris develop plans for moving forward, The Medical Association will work with the specialty societies and county medical societies to gather recommendations that will be provided for our state leadership.



Medical Association Seeks Liability Protection during COVID Crisis

Physicians and all frontline healthcare workers need some clear heightened liability protections in order to be free to respond better to the healthcare emergency. The Medical Association of the State of Alabama, the Alabama Hospital Association, and the Alabama Nursing Home Association have drafted a proposed Executive Order for the Governor to consider that will provide broader liability protection to healthcare providers who are responding to the healthcare emergency. The proposed executive order is supplemental to all other executive orders and is based upon the declared state emergency and would provide clear protection for physicians and healthcare professionals by raising the standard of proof for a case brought against a physician. The issues addressed in the proposed Executive Order are as follows:

- 1. Physicians and their staff are included.** The proposal provides a broad definition of "health care provider" that includes physicians, their practices, and their office staff in the

limited immunity. This will protect physicians and their office staff.

2. All healthcare providers, as broadly defined, are covered unless they act willfully, maliciously, fraudulently or in bad faith. The proposal provides clear limited immunity and then provides the backstop of the current AMLA protection.

3. The proposal provides protection for civil and criminal violations. During the term of the declared emergency, lines may be blurred, and as long as the healthcare worker is not acting willfully or in bad faith, he or she will be protected from both civil and criminal violations.

4. Any actions in furtherance of the emergency declaration are covered. A physician is protected when he or she reschedules a procedure he or she in good faith believes is elective and is attempting to comply with previous executive orders.

Ask CMS to Expand Telehealth Options

The increased use of telehealth during the COVID-19 pandemic is critical to maintain as much access to care as possible for patients while appropriately practicing social distancing. At present, CMS's current telehealth policy for Medicare patients falls far short of achieving these goals.

During this unprecedented health emergency, the Medical Association is asking CMS to amend its telehealth policy beyond what they have already done to allow better use of telephone visits.

[Do your part and submit comments to CMS directly through our Advocacy Portal!](#)

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