

August 6, 2020

The Honorable Mitch McConnell
Majority Leader
U.S. Senate
S-230, U.S. Capitol
Washington, DC 20510

The Honorable Charles Schumer
Minority Leader
U.S. Senate
S-221, U.S. Capitol
Washington, DC 20510

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
H-222, U.S. Capitol
Washington, DC 20515

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
H-204, U.S. Capitol
Washington, DC 20515

Dear Majority Leader McConnell, Speaker Pelosi, and Minority Leaders Schumer and McCarthy:

On behalf of the American Association of Colleges of Osteopathic Medicine (AACOM), its member institutions, and the nation's osteopathic graduate medical education (GME) professionals and trainees, we sincerely appreciate your continued efforts to combat the devastating effects of COVID-19 on our country. AACOM leads and advocates for the full continuum of osteopathic medical education to improve the health of the public. Founded in 1898 to support and assist the nation's osteopathic medical schools, AACOM represents all 37 accredited colleges of osteopathic medicine (COMs)—educating nearly 31,000 future physicians, 25 percent of all U.S. medical students—at 58 teaching locations in 33 U.S. states, as well as osteopathic GME professionals and trainees at U.S. medical centers, hospitals, clinics, and health systems. **As you continue to negotiate the next COVID-19 relief package, we strongly urge you to include bipartisan, pandemic-focused liability protections to ensure that our COMs are safeguarded as they work to safely educate and train the next generation of osteopathic physicians.**

Interactive, in-person learning is crucial for training the future health professions workforce, and this is especially true for osteopathic medicine. Osteopathic medical students attend four years of medical school. A student's first two years are spent on their COM's campus, where they receive instruction in the medical sciences, obtain a core set of clinical examination skills, and train in ethics and professional responsibility. These two years of lectures, laboratory training, and other instruction prepare students for their third and fourth years, when they gain invaluable direct experience during offsite core clinical rotations. Osteopathic medical students also receive important, in-depth training in the musculoskeletal system as they learn to administer osteopathic manipulative treatment (OMT), which is a set of hands-on techniques used by osteopathic physicians to diagnose, treat, and prevent illness or injury. Because of the treatment's hands-on nature, OMT is most effectively taught through direct, person-to-person instruction.

As COMs across the country continue to work diligently to adapt to the new educational environments necessitated by the pandemic, and as they begin to or contemplate when and how they can safely reopen, their priority is the safety of their students, faculty members, employees, and others. However, COMs face enormous uncertainty at the prospect of responding to and mitigating the costs of unwarranted lawsuits related to the spread of COVID-19. While Congress provided limited COVID-related liability protections for volunteer health care professionals and some manufacturers of personal protective equipment (PPE) in the *Coronavirus Aid, Relief, and Economic Security Act* (P.L. 116-136), and several

governors and state legislatures have enacted liability protections, this is a national problem that requires a federal approach to ensure a consistent level of protection is available for all higher education institutions, including COMs.

Therefore, we strongly request that Congress support temporary and targeted liability protections related to COVID-19 to protect COMs from potential lawsuits arising out of the pandemic. COM administration, faculty, and staff should be protected as they exercise professional judgement related to educational operations. Importantly, any protections should be conditioned on following applicable public health standards at the local, state, and/or federal level, and should preserve recourse for those harmed by truly bad actors who engage in gross negligence or other misconduct. It should be noted that these protections should allow for flexibility and be mindful of regulatory burdens that may interfere with the educational missions of the postsecondary institutions that train the nation's future physician workforce.

Additionally, we continue to ask you to support more targeted measures to help address the challenges faced by our osteopathic medical schools, students, residents, educators, and the larger health care and higher education communities as requested in our June 26, 2020 correspondence¹. These measures include the following:

- Robust investment in national public health infrastructure, including a significant improvement in widespread access to PPE and COVID-19 testing.
- Expansion of the current and future physician workforce to successfully combat the COVID-19 pandemic and future public health crises.
- Additional federal emergency relief funding to support all osteopathic medical schools, including measures to ensure the U.S. Department of Education can effectively distribute funding.
- Debt and economic relief for frontline workers.
- Adequate federal funding proportionately available for rural hospitals and physician practices of all sizes impacted by the pandemic.
- Funding for federal research agencies to prevent and respond to pandemic-related disruptions to federally funded research and continue to propel this work forward post-COVID-19.

As the pandemic continues to devastate our country, we strongly urge you to take the above actions to further address the challenges our community and others continue to face as you negotiate the next COVID-19 relief package. AACOM deeply appreciates your consideration of our concerns outlined in this letter and looks forward to continuing our work with you during these critical times. For additional information, please contact Judith Mun, Director of Government Relations, at jmun@aacom.org.

Sincerely,



Robert A. Cain, DO, FACOI, FAODME
President and CEO

¹ https://www.aacom.org/docs/default-source/public-statements/6-26-2020-aacom-sends-letter-to-congressional-leadership-requesting-supplemental-covid-19-aid.pdf?sfvrsn=e9af0c97_6