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March 23, 2020

Governor Lee:

The nearly 9,500 members of the Tennessee Medical Association (TMA) stand ready to support your administration in its mission to flatten the curve and beat the COVID-19 pandemic. To that end, we are calling your attention to needs, concerns, and requests to best assist physicians and other health care providers treat our state's patients who may be afflicted by this virus keeping in mind that other urgent and chronic conditions must continue to be treated.

First, we would bring to your attention the urgent and present need for a steep increase in production, procurement, and coordination of personal protective equipment (PPE). As you know, COVID-19 presents as a unique contagion requiring the use of PPE in massive quantities. While we appreciate the direction and guidance from both the Centers for Disease Control (CDC) and Tennessee Department of Health (TDH), physicians and other healthcare providers need your leadership and the directed resources of the federal government in obtaining more PPE and navigating it to the appropriate hospitals and other testing centers. We must protect health care professionals so that they remain healthy to treat the potentially high volume of patients who contract the virus.

Second, we are experiencing a shortage of COVID-19 tests and test supplies, such as swabs. If any component of the chain is in shortage, we cannot conduct the tests we need in order to diagnose and contain the virus. We strongly urge you to utilize your best influence to obtain tests and ancillary testing supplies in sufficient quantities to meet the demand that we expect over the next several months.

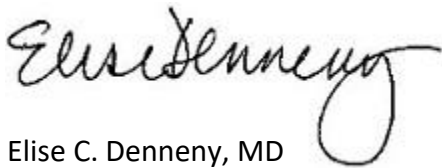
Third, we ask that all counties in the State of Tennessee be declared disaster areas in terms of making loans available from the Small Business Administration (SBA). As of today, not all counties in Tennessee were eligible for loans from the SBA. This would allow all physicians who own small business and private practices to submit and be considered for assistance as we transition a practice from the health and welfare of Tennessee citizens to full-fledged crisis response. Many of our practices are starting to lose our work force to positive testing or, more frequently, to self-quarantine due to possible exposure. These loans would help us keep staff and equipment to provide medical services and pay the bills we need in order to keep clinic doors open.

Finally, if this pandemic reaches proportions that we are seeing in some other nations, critical treatment supplies like ventilators may have to be rationed. Painful decisions will have to be made. In case such a catastrophe occurs, we ask you to proactively invoke the provisions of TCA 58-2-107(e) and (l)(2). These laws give the Governor authority to issue an executive order to

provide limited liability protection to health care providers licensed, certified or authorized under titles 33, 63 or 68, and who render services within the limits of their license, certification or authorization to victims or evacuees of such emergencies. Specifically, we ask that you provide by executive order, language to provide liability protection for these types of triage decisions; and suspend the provisions of any law, order, rule or regulation of the civil tort laws which prescribe the procedures for conduct of state business or the orders or rules or regulations of the state medical licensing agencies that would in any way prevent, hinder, or delay necessary action in coping with the emergency. We sincerely hope that the state of this virus does not reach such level, but if it does, quick and difficult treatment rationing decisions will have to be made.

Thank you for your efforts on the part of the physicians and patients of Tennessee during this crisis. Please let us know how our physician members can assist your administration during these trying times for our state and nation.

Sincerely,

A handwritten signature in black ink, appearing to read "Elise Denny". The signature is written in a cursive style with a large, looping "y" at the end.

Elise C. Denny, MD  
President