

Medical Malpractice

Doctors Are Immune From Liability!

Federal COVID Immunity:

Per the Congressional Research Service, “To encourage the expeditious development and deployment of medical countermeasures during a public health emergency, the Public Readiness and Emergency Preparedness Act (PREP Act) authorizes the Secretary of Health and Human Services (HHS) to limit legal liability for losses relating to the administration of medical countermeasures such as diagnostics, treatments, and vaccines.” This action was taken on February 4, 2020. “Under the HHS Declaration and its amendments, covered persons are generally immune from legal liability (i.e., they cannot be sued for money damages in court) for losses relating to the administration or use of covered countermeasures against COVID-19. The sole exception to PREP Act immunity is for death or serious physical injury caused by ‘willful misconduct.’” This authority precludes state statutes!

State Immunity:

Wis. Stat. §§ 893.55:

- ❖ Limits liability claims to \$750,000 to ensure affordable health care.
- ❖ This statutory limit has been in place for 16 years.

Wis. Stat. §§ 655.006:

- ❖ No loss of companionship for adult siblings.
- ❖ This statutory limit has been in place for 47 years.

Wis. Stat. §§ 895.04:

- ❖ No wrongful death claim for adult children.
- ❖ No exception made for disabled adult children under a parent’s care.

Most states have similar provisions under the guise of “providing affordable health care.”

Question: Why do doctors need immunity if they care about the health of the patient?

Lack of patient advocacy and government bonuses, combined with immunity from liability, provide a deadly temptation.