

July 30, 2020

The Honorable Lindsey Graham
Chairman, Judiciary Committee
United States Senate
290 Russell Senate Office Building
Washington, DC 20510

The Honorable Dianne Feinstein
Ranking Member, Judiciary Committee
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Chairman Graham and Ranking Member Feinstein:

On behalf of our 163,000 dentist members, the American Dental Association (ADA) would like to thank the Senate Judiciary Committee for reviewing and hopefully advancing the Safeguarding America's Frontline Employees to Offer Work Opportunities Required to Kickstart the Economy, or SAFE TO WORK Act (S. 4317). The health care liability protections in this bill provide small business dental owners with safeguards against coronavirus-based claims that could derail the progress made in reopening their practices. Additionally, the bill highlights Congress' strong commitment to small health care businesses by granting temporary labor and employment law protection and clarifying already existing product liability protections.

After closing completely or limiting their practices to emergency-only dental care at the onset of the COVID-19 pandemic, dentists across the country have reopened their practices. While safeguarding their patients, their staff, and themselves from the spread of COVID-19, dental practices must also safeguard their businesses from bad-faith actors pursuing frivolous financial gain for coronavirus-related injuries. The exclusive federal clause of action in the SAFE TO WORK Act provides dentists with comfort and protection from unsubstantiated medical liability claims. As you are aware, this clause of action is the exclusive remedy for personal injury caused by the treatment, diagnosis, or care of coronavirus, or care directly affected by the coronavirus. Furthermore, preempting all state laws that impose liability on broader grounds than those contained in this bill provides enhanced protection by imposing a floor of liability. Moving virus-related medical liability claims to federal courts ensures due process in deciding the burden of proof.

Again, the ADA agrees with many of the provisions in the SAFE TO WORK Act. We continue to support bipartisan negotiations that strive to include these issues in legislation moving forward. If you have any questions, please contact Mr. Chris Tampio at 202-789-5178 or tampioc@ada.org.

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Sincerely,

Chad P. Gehani D.D.S.

Chad P. Gehani, D.D.S.
President

Kathleen O'Loughlin DMD MPH

Kathleen T. O'Loughlin, D.M.D., M.P.H.
Executive Director

cc: U.S. Senate Majority Leader, Mitch McConnell
U.S. Senate Minority Leader, Charles Schumer
U.S. Senator, John Cornyn

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