

MARKET RESPONSE TO COVID-19

"The COVID-19 crisis is challenging the private, government and non-profit sectors to provide assistance in Arkansas ... One goal is economic: expand the supply of medical services in response to increased demand from individuals." *Jonesboro Sun*, April 24, 2020¹

(August 2020) The market response to COVID-19 is to increase the supply of medical services in response to increased demand as a result of the outbreak.

There are numerous actions Arkansas state government can take to accomplish this goal. These include temporary suspension of rules and regulations, and repeal of laws that interfere with expanding access to care.

Executive Orders

Gov. Asa Hutchinson has signed two executive orders that will increase the supply of medical services. The first order relaxes state telemedicine provisions. The second order provides immunity from liability to medical emergency responders.

Executive Order 20-05 explains, "Citizens of the state have been advised to take precautions to prevent the spread of COVID-19, including the advisement to minimize person to person contact, avoid large gatherings, and stay at home if they feel ill ... Citizens heeding this advice need access to the care of physicians ... To fully leverage telehealth in Arkansas and mitigate the spread of COVID-19, I am suspending provisions of the Telemedicine Act² requiring an in-person encounter, or a face to face examination using real time audio and visual means to establish a professional relationship."

Order 20-18 notes the state "seeks to eliminate any obstacle to the provision of supplies and medical treatment" ... and suspends state law³ "to the extent necessary to provide immunity from liability to (various) emergency responders," including physicians; physician assistants; specialist assistants; nurse practitioners; licensed registered nurses; and licensed practical nurses.

Allowing Good Samaritans to Help Arkansans

The Tennessee nonprofit Remote Area Medical (RAM)⁴ has served more than 785,000 individuals in need of medical care since its founding in 1985. The

¹ Greg Kaza, "Response To COVID-19." *Jonesboro Sun*. April 24, 2020

² Arkansas Code Ann. 17-80-401, et seq.

³ Arkansas Code Ann. 12-75-103(7)(C)

⁴ <https://www.ramusa.org/> RAM founder Stan Brock co-hosted Mutual of Omaha's *Wild Kingdom* TV show with Marlin Perkins. Brock explains, "My vision for Remote Area Medical developed when I suffered a personal injury while living among the Wapishana Indians in Guyana, South America. I was isolated from medical care, which was about a 26 day journey away. I witnessed the near devastation of whole tribes by what would have been simple or minor illnesses to more advanced cultures. When I left Guyana, I vowed to find a way to deliver basic medical aid to people in the world's inaccessible regions."

nonprofit's volunteer force includes physicians and other medical professionals who travel across state lines to provide care at free clinics. RAM's work has been cited by CNN, Fox News, *N.Y. Times*, *Wall Street Journal* and other news media. Yet licensed medical professionals cannot volunteer across state lines in Arkansas, though four border states (Louisiana, Missouri, Oklahoma, Tennessee) allow this Good Samaritan practice.

A Volunteer Health Services measure patterned after border states would expand the supply of medical care by eliminating regulatory barriers imposed on non-resident medical professionals.

State government should not prevent volunteer physicians and other licensed medical professionals from providing free medical care to Arkansans.

Allowing Good Samaritans to help Arkansans would increase the supply of medical volunteers in response to COVID-19. It would also increase access to medical care in underserved rural areas of Arkansas once the outbreak ends.

-- Greg Kaza