

DAVID COHEN QUOTED IN ARIZONA REPUBLIC ARTICLE RE: NURSING HOMES AND COVID-19



Medical Liability and Health Care Defense partner [David Cohen](#) served as an expert quote source in a recent

Arizona Republic article, "[Governor's Good Samaritan order makes it harder for families to sue nursing homes over COVID-19, experts say](#)." The article, authored by investigative reporter [Anne Ryman](#) and state government and politics reporter [Maria Polletta](#), discussed [Arizona Gov. Ducey's Good Samaritan executive order](#), signed April 9, 2020, and how it could impact nursing home patients.

Excerpt from the article provided below.

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And while nursing homes may be fertile ground for lawsuits because so many residents are dying of COVID-19 complications, some attorneys don't believe health professionals in hospitals will become targets of lawsuits.

It's highly unlikely any lawyer would go after a doctor for providing direct care to COVID-19 patients, said Scott Palumbo, president of the [Arizona Association for Justice](#), a group of trial attorneys.

"We're community advocates and safety advocates," he said. "And those on the front line protecting our community deserve protection during this time."

Ducey spokesman Patrick Ptak said the Governor's Office worked closely with hospitals and medical groups to develop Arizona's executive order, after U.S. Health and Human Services Secretary Alex Azar recommended states consider Good Samaritan policies.

"We know that our health care workers — just like all of us — are acting in unprecedented situations," Ptak said. "This is something we heard about both locally and from the federal government as a best practice to really ensure we had the personnel in place."

David Voepel, executive director of the [Arizona Health Care Association](#), an advocacy group for long-term care providers, confirmed his group was one of several who urged the governor to consider granting more immunity from lawsuits during the pandemic.

[David Cohen](#), a Phoenix attorney with Jones, Skelton & Hochuli, who defends nursing homes against lawsuits, also served as a consultant to the Arizona Health Care Association on the executive order.

"The frivolous lawsuits will either not be filed or will be dismissed. But the lawsuits with merit will still go forward," Cohen said.

Anni Foster, general counsel for the governor, similarly said she didn't expect the Good Samaritan order to stop patients' families from filing legitimate lawsuits, because the order is "a very narrowly tailored provision."

"It only applies to people that are addressing COVID-19 and working with the Department of Health Services in doing so," Foster said.

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[READ THE FULL ARTICLE HERE](#)

David Cohen represents every type of healthcare provider — including nursing homes — in matters involving alleged medical malpractice, violations of the Adult Protective Services Act, wrongful death, and medical battery. He has successfully served as an expert witness for the Arizona nursing home industry in the passage of several tort reform bills. These bills have positively impacted all Arizona healthcare providers by reducing the statute of limitations from seven years to two years, normalizing punitive damages, and eliminating the attorneys' fees provision in cases filed under the Adult Protective Services Act. Since 2008, David has been an active member of the Arizona Health Care Association's Public Policy Committee.