

MASSACHUSETTS Lawyers Weekly

Lawyer's idea to counter PPE shortage brings relief, gratitude

By: Kris Olson ○ April 30, 2020

For Traver Clinton "Clint" Smith Jr., what has become a sprawling mission began with a call for legal advice from a friend and former acting CEO of a Boston health care organization.

Smith's friend had been tasked with assessing the legal landscape should the organization opt to address a shortage of gowns and protective gear for medical workers during the COVID-19 pandemic by seeking them from non-traditional sources.

The legal caution with which non-medical-care companies were greeting the call for badly needed protective gear was the source of great frustration, Smith's friend told him.

Unfortunately, the Boston personal injury lawyer had to advise his friend that the requests for liability waivers and other protections were justifiable.

"He said, 'Thanks a lot, Clint — now I know why everyone hates lawyers,'" Smith recalls with a laugh.

But the urgency of the need for PPE that his friend conveyed started Smith's wheels spinning. Both were offshore sailors, with a dozen or so Newport-to-Bermuda races under their belts, and quite familiar with foul-weather gear that remains impermeable, even in strong wind and rain, and even after multiple uses. Golfers, too, carry in their golf bags compact and lightweight rain gear with similar qualities, he realized.

Smith also knew that, with a stay-at-home advisory in place, a lot of such gear was just gathering dust on the shelves of local sailing supply, sporting goods and department stores. If he could scoop up as much of the gear he could get his hands on — preferably at a steep discount — maybe there would be nursing homes or hospitals that would be eager to receive it.

His first foray was to West Marine in Woburn, which remains open as an essential business, as it supplies commercial fishermen and lobstermen.

Smith walked up to the counter and asked if the store sold foul-weather gear. When he was told that of course it did, he said, somewhat facetiously, "Great, I'll take everything you have."



Hopes his model is used elsewhere

Smith quickly clarified that he did not mean literally everything, but he did intend to clear the shelves of all the light-to-medium-weight gear, and then take it down the road to donate to those treating COVID-19 patients at Lahey Hospital in Burlington.

That last part was a bluff, as Smith did not yet have a commitment from any facility to receive the donations. He wanted to first establish that the procurement process would work before raising hopes on the other end.



Kelly Tutlis and Vincent Librandi carry foul-weather gear into the Jewish Health Care Center in Worcester as Kate Columbus and Auguste Ayer (far right), who made the delivery, look on.

Smith explained his vision of nurses and doctors wearing the gear and being able to duck quickly into shower stalls in hospital hallways to wash and disinfect the outerwear before seeing their next patient. While not ideal, it seemed to Smith like a marked improvement over the stories he was reading about nursing home staffers trying to do their jobs after fashioning makeshift protective gear out of garbage bags.

Smith says medical professionals with whom he shared his idea almost universally replied with the same word: “unbelievable.” Even one initial naysayer eventually did a “complete 180,” Smith reports.

He also ran the concept by a longtime friend, Augusta Ayer of Wenham, who agreed to be Smith's first financial backer before quickly deepening her involvement with the project.

Now, it was just a matter of finding the first recipient.

Maiden voyage

For reasons he cannot entirely recall, one of Smith's first calls was to UMass Memorial Medical Center in Worcester. The person in charge of acquiring supplies for the facility liked Smith's idea and promised to get back in touch with him about the facility's needs.

But in the meantime, he suggested Smith reach out to Vincent Librandi, chief operating officer at the Jewish Health Care Center, where he knew desperation for personal protective equipment was mounting.

Sure enough, when Smith offered to deliver some of the rain gear and ponchos he by then had accumulated, Librandi responded: “Get them here as quickly as you can.”

Librandi says his staff was at its wit's end trying to procure gowns and other PPE. To the extent PPE could be found through its usual suppliers, the prices were exorbitant. Librandi had recently paid \$12,000 for 1,500 N95 respirator masks, for example.

But other forms of protective equipment are simply not available, he says.

When Librandi got Smith's offer, he says he went to his nursing director, Kate Columbus, and asked, “Is this something you would use?”

The answer was an immediate and enthusiastic “yes!” Librandi recalls.

Both Librandi and Columbus say that, in the days before Smith's delivery, they had been calling their contact at the state Department of Public Health, who assured them that their requests for gowns were being received — they just could not be fulfilled.

Columbus says that gowns had begun to be rationed and reused, “which in a perfect world, you would not do.”

According to Librandi, “one of the biggest and hardest hurdles” during the pandemic has been the misperception created by the press conferences of state and federal leaders. Those not on the frontlines might easily be led to believe that PPE is now readily available, especially given anecdotal evidence of manufacturers altering their production lines to produce gear in response to the crisis.

“However, when you can't access it through your vendors, your staff begins to doubt you,” Librandi says.

As soon as they received them, staff members at JHCC began wearing the donated items as a “base layer” with gowns over it. Doing so has renewed their confidence in their own safety, allowing them to focus on treating their patients, Librandi says.

Librandi remains a bit gobsmacked by Smith's commitment to seeing his idea through, and he also lavishes praise on Ayer for being willing to travel so far afield from her North Shore home to make the delivery.

“I think the best comes out in people at times like this,” he says.

The runner

Even at 74, Smith has seemingly boundless energy — he boasts of still skiing double-black-diamond slopes — but he has reluctantly heeded health experts' advice to limit his potential exposure to the coronavirus.

As a result, Ayer has become the effort's "Wal-Mart warrior," waiting in line to get into stores up and down the east coast of Massachusetts and southern New Hampshire to clear the shelves of the three brands of protective gear she has identified as providing the best bang for the buck.

In the checkout line, the contents of her cart inevitably invite curiosity. When she lets people in on what she is up to, "it takes everyone's breath away," she says.

"They all say 'God bless you, and thank you for helping,'" Ayer adds.

Ayer says that, among her group of friends, she had been part of well-intentioned fundraising efforts on social media to buy food for medical workers. She now realizes such campaigns are a bit misguided.

While they may give a restaurant a large order it otherwise might not have had and make the donors feel good, it is not what health care providers need most, and indeed, sometimes the food even goes to waste.

"They want PPE, not pies," she says.

In addition to taking charge of procurement, Ayer has also been making the deliveries, of which there had been five as of April 29. In addition to the JHCC, protective gear has been supplied to Lahey Hospital in Burlington and then, on April 28, the Queen Anne Nursing Home in Hingham and Southwood at Norwell Nursing Center. Ayer then made a drop at Beverly Hospital the next day.

Ayer understands that, to some degree, she is putting herself at risk in being out and about as much as she has been during the pandemic. But seeing the expressions of gratitude and relief on the recipients' faces has made it more than worth it, she says.

Expansion efforts

Smith says he initially intended merely to provide a "proof of concept." Upon doing so, he hoped others with a few dollars to donate would take the model and run with it.

While he still hopes that might happen, especially in other parts of the country, Smith's awareness of the pervasive unmet needs of the medical community and the willingness of donors to support the effort locally has grown rapidly as word of his efforts began to spread.

As a result, he has begun to explore how he might be able to provide tax deductions to those who want to make financial contributions.

What he has figured out so far is that it would likely take too long to establish a standalone 501(c)(3) organization. As of press time, he believed his most viable option would be to partner with an existing nonprofit organization in a "fiscal sponsorship" arrangement, allowing his effort to attain "proxy 501(c)(3) status."

Donations made to the existing 501(c)(3) could then pass through to Smith and Ayer for purchases of the protective gear. Smith says he would welcome the pro bono assistance of an attorney or accountant to help him navigate the terrain.

For her part, Ayer says she is willing to continue to do the shopping and deliveries that donors fund, so long as that remains manageable.

Meanwhile, just as his charitable endeavor was picking up steam, Smith became unemployed. As a result, he says that the best way to get in touch with him to learn more or offer assistance is either through the email address he



From left: Augusta Ayer, Kelly Tutlis, Vincent Librandi and Kate Columbus stand astride a table of foul-weather gear donated to the Jewish Health Care Center in Worcester, thanks to the efforts of Boston attorney Traver Clinton Smith Jr.

set up for the campaign, donatecovidppe@gmail.com, or his personal email address, clintsmith@post.harvard.edu.

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