

**Appendix Table 1. Relevant language from state actions extending provider immunity during the COVID-19 pandemic.**

| States             | Types of Providers        |                               | Scope of Protections |                    | What types of liability claims are shielded? |                            |                     |
|--------------------|---------------------------|-------------------------------|----------------------|--------------------|--|----------------------------|---------------------|
|                    | Exclusively Nursing Homes | Multiple Classes of Providers | Ordinary Negligence  | Blanket Protection | Exclusively COVID Patients                   | COVID & Non-COVID Patients | Ambiguous           |
| <a href="#">AL</a> |                           | X <sup>i</sup>                | X <sup>ii</sup>      |                    |  | X <sup>iii</sup>           |                     |
| <a href="#">AK</a> |                           | X <sup>iv</sup>               | X <sup>v</sup>       |                    |  |                            | X <sup>vi</sup>     |
| <a href="#">AZ</a> |                           | X <sup>vii</sup>              | X <sup>viii</sup>    |                    |  |                            | X <sup>ix</sup>     |
| <a href="#">AR</a> |                           | X <sup>x</sup>                | X <sup>xi</sup>      |                    |  |                            | X <sup>xii</sup>    |
| <a href="#">CT</a> |                           | X <sup>xiii</sup>             | X <sup>xiv</sup>     |                    |  | X <sup>xv</sup>            |                     |
| <a href="#">DC</a> |                           | X <sup>xvi</sup>              | X <sup>xvii</sup>    |                    | X <sup>xviii</sup>                           |                            |                     |
| <a href="#">GA</a> |                           | X <sup>xix</sup>              | X <sup>xx</sup>      |                    |  |                            | X                   |
| <a href="#">HI</a> |                           | X <sup>xxi</sup>              | X <sup>xxii</sup>    |                    |  | X <sup>xxiii</sup>         |                     |
| <a href="#">IL</a> |                           | X <sup>xxiv</sup>             | X <sup>xxv</sup>     |                    |  | X <sup>xxvi</sup>          |                     |
| <a href="#">IA</a> |                           | X <sup>xxvii</sup>            | X <sup>xxviii</sup>  |                    |  |                            | X <sup>xxix</sup>   |
| <a href="#">KS</a> |                           | X <sup>xxx</sup>              | X <sup>xxxi</sup>    |                    | X <sup>xxxii</sup>                           |                            |                     |
| <a href="#">KY</a> |                           | X <sup>xxxiii</sup>           | X <sup>xxxiv</sup>   |                    | X <sup>xxxv</sup>                            |                            |                     |
| <a href="#">MA</a> |                           | X <sup>xxxvi</sup>            | X <sup>xxxvii</sup>  |                    |  | X <sup>xxxviii</sup>       |                     |
| <a href="#">MI</a> |                           | X <sup>xxxix</sup>            | X <sup>xl</sup>      |                    |  |                            | X <sup>xli</sup>    |
| <a href="#">MS</a> |                           | X <sup>xlii</sup>             | X <sup>xliii</sup>   |                    |  | X <sup>xliv</sup>          |                     |
| <a href="#">NC</a> |                           | X <sup>xliv</sup>             | X <sup>xlvi</sup>    |                    |  | X <sup>xlvii</sup>         |                     |
| <a href="#">NJ</a> |                           | X <sup>xlviii</sup>           | X <sup>xlix</sup>    |                    |  |                            | X <sup>l</sup>      |
| <a href="#">NY</a> |                           | X <sup>li</sup>               | X <sup>lii</sup>     |                    |  | X <sup>liii</sup>          |                     |
| <a href="#">NV</a> |                           | X <sup>liv</sup>              | X <sup>lv</sup>      |                    |  |                            | X <sup>lvi</sup>    |
| <a href="#">OK</a> |                           | X <sup>lvii</sup>             | X <sup>lviii</sup>   |                    | X <sup>lix</sup>                             |                            |                     |
| <a href="#">PA</a> |                           | X <sup>lx</sup>               | X <sup>lxi</sup>     |                    | X <sup>lxii</sup>                            |                            |                     |
| <a href="#">RI</a> |                           | X <sup>lxiii</sup>            | X <sup>lxiv</sup>    |                    |  |                            | X <sup>lxv</sup>    |
| <a href="#">UT</a> |                           | X <sup>lxvi</sup>             | X <sup>lxvii</sup>   |                    | X <sup>lxviii</sup>                          |                            |                     |
| <a href="#">VA</a> |                           | X <sup>lxix</sup>             | X <sup>lxx</sup>     |                    |  | X <sup>lxxi</sup>          |                     |
| <a href="#">VT</a> |                           | X <sup>lxxii</sup>            | X <sup>lxxiii</sup>  |                    |  | X <sup>lxxiv</sup>         |                     |
| <a href="#">WI</a> |                           | X <sup>lxxv</sup>             | X <sup>lxxvi</sup>   |                    |  |                            | X <sup>lxxvii</sup> |
| Total              | 0/26                      | 26/26                         | 26/26                | 0/26               | 6/26   | 10/26                      | 10/26               |

<sup>i</sup> State of Alabama Proclamation by the Governor (May 8, 2020), <https://governor.alabama.gov/assets/2020/05/2020-05-08-8th-Supplemental-SOE-COVID-19.pdf>. (“Health care provider” means any health care facilities, professional, or person defined in the Alabama Code and includes, but is not limited to: a. Any health care provider as that term is defined in Alabama Code §6-5-542(1) or any of the providers defined in §6-5481(1)-(8); b. Any health care facility licensed or approved in the State of Alabama, including, but not limited to, any facility licensed or approved by the Alabama Department of Public Health or

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mental health facility certified by the Alabama Department of Mental Health, including any health care facility or pharmacy operating and providing services pursuant to the provisions outlined in the Emergency Executive Order dated April 2, 2020 and any support personnel of such facility or pharmacy; c. Any medical or health care professional, individual or entity, holding a license, registration permit, certification, or approval (including a temporary emergency license, registration, permit certifications, or approval) to practice a health care profession or occupation in Alabama, including under the Public Readiness and Emergency Preparedness Act and any declaration of the Department of Health and Human Services in accordance with that Act, under any of my COVID-19-related emergency proclamations, under any rule or regulation promulgated by a licensing board or agency pursuant to such emergency proclamations, or otherwise in response to the COVID-19 pandemic and including any support personnel of any such individual or entity.”).

<sup>ii</sup> *Id.* (“A business, health care provider, or other covered entity shall not be liable for the death or injury to persons or for damage to property in any way arising from any act or omission related to, or in connection with, COVID-19 transmission or a covered COVID-19 response activity, unless a claimant shows by clear and convincing evidence that the claimant’s alleged death, injury, or damage was caused by the business, health care provider, or other covered entity’s wanton, reckless, willful, or intentional misconduct.”).

<sup>iii</sup> *Id.* (““Covered COVID-19 response activity” means any or all of the following activities by a business, health care provider or other entity: ... ; b. Any performance or provision of health care services or treatment by a health care provider that resulted from, was negatively affected by, was negatively impacted by a lack of resources caused by, or was done in response to the COVID-19 pandemic or the State’s response thereto....”).

<sup>iv</sup> Laws of Alaska, FCCS SB 241 (2020), <http://www.akleg.gov/PDF/31/Bills/SB0241Z.PDF>. (““essential public health services and functions,” “health care provider,” and “public health agent” have the meanings given in AS 18.15.395.”); *see also* AS 18.15.395 (defining a health care provider as “any person that provides health care services [and] includes a hospital, medical clinic or office, special care facility, medical laboratory, physician, pharmacist, dentist, physician assistant, nurse, paramedic, emergency medical or laboratory technician, community health worker, and ambulance and emergency medical worker.”).

<sup>v</sup> *Id.* (“Nothing in this section precludes liability for civil damages as a result of gross negligence, recklessness, or intentional misconduct.”).

<sup>vi</sup> *Id.* (“STANDING ORDERS. (a) The chief medical officer in the Department of Health and Social Services, or, if the chief medical officer is incapacitated, the chief medical officer’s designee, shall issue standing orders for public health agents and health care providers related to essential public health services and functions and in response to conditions of public health importance that are related to novel coronavirus disease (COVID-19). Standing orders shall be effective until retracted or for the duration of the public health disaster emergency declaration issued by the governor on March 11, 2020, as extended by sec. 2 of this Act.... (c) Except as provided in (d) of this section, a public health agent or health care provider who takes action based on a standing order issued by the chief medical officer is not liable for civil damages resulting from an act or omission in implementing the standing order.”).

<sup>vii</sup> State of Arizona Executive Order 2020-27 (April 9<sup>th</sup>, 2020), [https://azgovernor.gov/sites/default/files/eo\\_2020-27\\_the\\_good\\_samaritan\\_order.pdf](https://azgovernor.gov/sites/default/files/eo_2020-27_the_good_samaritan_order.pdf). (“An Arizona healthcare professional licensed or an Arizona Emergency Medical Care Technician, who in the course of providing medical services in support of the State’s public health emergency for COVID-19, is presumed to have acted in good faith and is immune from civil liability; An Arizona healthcare professional, an Arizona health care institution, any entity operating a modular field treatment facility, or other site whether or not it is a licensed healthcare institution, designated by the Director of the Arizona Department of Health Services for temporary use in support of the State’s COVID-19 response or an Emergency Medical Care Technician, is immune from civil liability for triage decisions made in the course of providing medical services based on good faith reliance of mandatory or voluntary state-approved protocols under the public health emergency declaration for COVID-19; An Arizona health care institution, any entity operating a modular field treatment facility, or other site whether or not it is a licensed healthcare institution, designated by the Director of the Arizona Department of Health Services for temporary use in support of the State’s COVID-19 response is

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immune from civil liability for any acts or omissions undertaken in good faith by one or more of its agents, officers, employees, representatives or volunteers providing healthcare services in support of the State's public health emergency declaration for COVID-19.").

<sup>viii</sup> *Id.* ("This order does not provide immunity from civil liability for gross negligence or reckless or willful misconduct including but not limited to rendering medical care services under the influence of alcohol or an intoxicating drug.").

<sup>ix</sup> *Id.* ("An Arizona healthcare professional licensed (or an Arizona Emergency Medical Care Technician, who in the course of providing medical services in support of the State's public health emergency for COVID-19, is presumed to have acted in good faith and is immune from civil liability; An Arizona healthcare professional, an Arizona health care institution, any entity operating a modular field treatment facility, or other site whether or not it is a licensed healthcare institution, designated by the Director of the Arizona Department of Health Services for temporary use in support of the State's COVID-19 response or an Emergency Medical Care Technician, is immune from civil liability for triage decisions made in the course of providing medical services based on good faith reliance of mandatory or voluntary state-approved protocols under the public health emergency declaration for COVID-19; An Arizona health care institution, any entity operating a modular field treatment facility, or other site whether or not it is a licensed healthcare institution, designated by the Director of the Arizona Department of Health Services for temporary use in support of the State's COVID-19 response is immune from civil liability for any acts or omissions undertaken in good faith by one or more of its agents, officers, employees, representatives or volunteers providing healthcare services in support of the State's public health emergency declaration for COVID-19.").

<sup>x</sup> State of Arkansas Executive Order 20-18 (April 13<sup>th</sup>, 2020), [https://governor.arkansas.gov/images/uploads/executiveOrders/EO\\_20-18\\_.pdf](https://governor.arkansas.gov/images/uploads/executiveOrders/EO_20-18_.pdf). ("A suspension of Ark. Code Ann. § 12-75-103(7)C), to the extent necessary to provide immunity from liability to the following emergency responders, whether employed by the State or Federal Government, a private entity, or non-profit entity, for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak or the implementation of measures to control the causes of COVID-19 epidemic: (a) physicians; (b) physician assistants; (c) specialist assistants; (d) nurse practitioners; (e) licensed registered nurses; and (f) licensed practical nurses.").

<sup>xi</sup> *Id.* ("A grant of immunity from liability ... will not be extended to an emergency responder, who as a result of his or her action or omission, causes an injury or death due to: (a) acting outside the scope of his or her practice unless he or she has been redeployed as a result of Section 3(d) of this order; or (b) acting in gross negligence, willful misconduct, or bad faith.").

<sup>xii</sup> *Id.* ("A suspension of Ark. Code Ann. § 12-75-103(7)C), to the extent necessary to provide immunity from liability to the following emergency responders, whether employed by the State or Federal Government, a private entity, or non-profit entity, for any injury or death alleged to have been sustained directly as a result of an act or omission by such medical professional in the course of providing medical services in support of the State's response to the COVID-19 outbreak or the implementation of measures to control the causes of COVID-19 epidemic....").

<sup>xiii</sup> State of Connecticut Executive Order No. 7V (April 7<sup>th</sup>, 2020), <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7V.pdf?la=en>. ("The term "health care professional" means an individual who is licensed, registered, permitted, or certified in any state in the United States to provide health care services and any retired professional, professional with an inactive license, or volunteer approved by the Commissioner of the Department of Public Health or her designee; The term "health care facility" means a licensed or state approved hospital, clinic, nursing home, field hospital or other facility designated by the Commissioner of the Department of Public Health for temporary use for the purposes of providing essential services in support of the State's COVID-19 response.").

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<sup>xiv</sup> *Id.* (“Such immunity shall not extend to acts or omissions that constitute a crime, fraud, malice, gross negligence, willful misconduct, or would otherwise constitute a false claim or prohibited act pursuant to Section 4-275 et seq. of the Connecticut General Statutes or 31 U.S.C. §§3729 et seq.”).

<sup>xv</sup> *Id.* (“The Executive Order provides that any health care professional or health care facility shall be immune from suit for civil liability for any injury or death alleged to have been sustained because of acts or omissions undertaken in good faith while providing health care services in support of the State’s COVID-19 response, including but not limited to acts or omissions undertaken because of a lack of resources, attributable to the COVID-19 pandemic, that renders the health care professional or health care facility unable to provide the level or manner of care that otherwise would have been required in the absence of the COVID-19 pandemic and which resulted in the damages at issue, provided that nothing in this order shall remove or limit any immunity conferred by any provision of the Connecticut General Statutes or other law.”).

<sup>xvi</sup> D.C. Act 23-283. COVID-19 Supplemental Corrections Emergency Amendment Act of 2020 (April 21, 2020), <https://code.dccouncil.us/dc/council/acts/23-283.html>. (“Section 5a(d) of the District of Columbia Public Emergency Act of 1980, effective March 5, 1981 (D.C. Law 3-149; D.C. Official Code § 7-2304.01(d)), is amended as follows: ... (B) The limitation on liability provided by subparagraph (A) of this paragraph applies to any healthcare provider, first responder, volunteer, or District government contractor or subcontractor of a District government contractor (“provider”), including a party involved in the healthcare process at the request of a health-care facility or the District government, and acting within the scope of the provider’s employment or organization’s purpose, or contractual or voluntary service, even if outside the provider’s professional scope of practice, state of licensure, or with an expired license, who: (i) Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the federal Right to Try Act, approved May 30, 2018 (Pub. L. No. 115-176; 132 Stat. 1372); (ii) Provides direct or ancillary health-care services or health-care products, including direct patient care, testing, equipment or supplies, consultations, triage services, resource teams, nutrition services, or physical, mental, and behavioral therapies; or (iii) Utilizes equipment or supplies outside of the product’s normal use for medical practice and the provision of health-care services to combat the COVID-19 virus.”); *see also* D.C. Code § 7-2301 (““Health care provider” means any person or entity who provides health care services, including hospitals, medical clinics and officers, special care facilities, medical laboratories, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.”).

<sup>xvii</sup> *Id.* (“The limitation on liability provided by subparagraph (A) of this paragraph shall not extend to: (i) Acts or omissions that constitute a crime, actual fraud, actual malice, recklessness, breach of contract, gross negligence, or willful misconduct; or (ii) Acts or omissions unrelated to direct patient care; provided, that a contractor or subcontractor shall not be liable for damages for any act or omission alleged to have caused an individual to contract COVID-19.”).

<sup>xviii</sup> *Id.* (“A new paragraph (3A) is added to read as follows: “(3A)(A)(i) Exempt from liability in a civil action, a healthcare provider, first responder, or volunteer who renders care or treatment to a potential, suspected, or diagnosed individual with COVID-19 for damages resulting from such care or treatment of COVID-19, or from any act or failure to act in providing or arranging medical treatment for COVID-19 during a declared public-health emergency; “(ii) Exempt from liability in a civil action, a donor of time, professional services, equipment, or supplies for the benefit of persons or entities providing care or treatment for COVID-19 to a suspected or diagnosed individual with COVID-19, or care for the family members of such individuals for damages resulting from such donation during a declared public-health emergency; or “(iii) Exempt from liability in a civil action, a contractor or subcontractor on a District government contract that has contracted to provide health care services or human care services (consistent with section 104(37) to the Procurement Practices Reform Act of 2010, effective April 8, 2011 (D.C. Law 18-371; D.C. Official Code § 2-351.04(37)) related to a declared public health emergency related to the District government’s COVID-19 response.”).

<sup>xix</sup> State of Georgia Executive Order 4.14.20.01 (April 14<sup>th</sup>, 2020), <https://gov.georgia.gov/executive-action/executive-orders/2020-executive-orders>. (“Ordered: That employees, staff, and contractors of healthcare

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institutions and medical facilities shall be considered auxiliary emergency management workers pursuant to Code Section 38-3-35. This provision shall only apply to employees, staff, and contractors of healthcare institutions and medical facilities defined by Code Sections 31-7-1(4)(A), 31-7-1(4)(C)-(G), and 31-7-1(5) and where services are provided or performed during the Public Health State of Emergency.... Ordered: That during the Public Health State of Emergency, services provided or performed by healthcare institutions and medical facilities as defined by Code Sections 31-7-1(4)(A), 31-7-1(4)(C)-(G), and 31-7-1(5) shall be considered emergency management activities pursuant to Code Section 38-3-35.”); *see also* Georgia Code Section 31-7-1(4) (“[healthcare] institution means as any building, facility, or place in which are provided two or more beds and other facilities and services that are used for persons received for examination, diagnosis, treatment, surgery, maternity care, nursing care, assisted living care, or personal care for periods continuing for 24 hours or longer and which is classified by the department, as provided for in this chapter, as either a hospital, nursing home, assisted living community, or personal care home; (C) Any building or facility, not under the operation or control of a hospital, which is primarily devoted to the provision of surgical treatment to patients not requiring hospitalization and which is classified by the department as an ambulatory surgical treatment center; (D) Any fixed or mobile specimen collection center or health testing facility where specimens are taken from the human body for delivery to and examination in a licensed clinical laboratory or where certain measurements such as height and weight determination, limited audio and visual tests, and electrocardiograms are made, excluding public health services operated by the state, its counties, or municipalities; (E) Any building or facility where human births occur on a regular and ongoing basis and which is classified by the department as a birthing center; (F) Any building or facility which is devoted to the provision of treatment and rehabilitative care for periods continuing for 24 hours or longer for persons who have traumatic brain injury, as defined in Code Section 37-3-1; or (G) Any freestanding imaging center where magnetic resonance imaging, computed tomography (CT) scanning, positron emission tomography (PET) scanning, positron emission tomography/computed tomography, and other advanced imaging services as defined by the department by rule, but not including X-rays, fluoroscopy, or ultrasound services, are conducted in a location or setting not affiliated or attached to a hospital or in the offices of an individual private physician or single group practice of physicians and conducted exclusively for patients of that physician or group practice.”); *see also* Georgia Code Section 31-7-1(5) (““medical facility” means any licensed general hospital, destination cancer hospital, or specialty hospital, institutional infirmary, public health center, or diagnostic and treatment center.”).

<sup>xx</sup> *Id.* (“Ordered: That employees, staff, and contractors of healthcare institutions and medical facilities shall be considered auxiliary emergency management workers pursuant to Code Section 38-3-35. This provision shall only apply to employees, staff, and contractors of healthcare institutions and medical facilities defined by Code Sections 31-7-1(4)(A), 31-7-1(4)(C)-(G), and 31-7-1(5) and where services are provided or performed during the Public Health State of Emergency..... Ordered: That during the Public Health State of Emergency, services provided or performed by healthcare institutions and medical facilities as defined by Code Sections 31-7-1(4)(A), 31-7-1(4)(C)-(G), and 31-7-1(5) shall be considered emergency management activities pursuant to Code Section 38-3-35.”); *see also* Georgia Code Section 38-3-35 (“Neither the state nor any political subdivision of the state nor, except in cases of willful misconduct, gross negligence, or bad faith, the employees, agents, or representatives of the state or any political subdivision thereof, nor any volunteer or auxiliary emergency management worker or member of any agency engaged in any emergency management activity complying with or reasonably attempting to comply with Articles 1 through 3 of this chapter; or any order, rule, or regulation promulgated pursuant to Articles 1 through 3 of this chapter, or pursuant to any ordinance relating to precautionary measures enacted by any political provisions of Articles 1 through 3 of this chapter, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state shall be liable for the death of or the injury to person or for damage to property as a result of any such activity.”).

<sup>xxi</sup> Hawaii Executive Order No. 20-05 (April 16<sup>th</sup>, 2020), [https://governor.hawaii.gov/wp-content/uploads/2020/04/2004090-ATG\\_Executive-Order-No.-20-05-distribution-signed-1.pdf](https://governor.hawaii.gov/wp-content/uploads/2020/04/2004090-ATG_Executive-Order-No.-20-05-distribution-signed-1.pdf). (““Health care professional” means physicians and surgeons, podiatrists, dentists, psychologists, nurses, veterinarians, acupuncturists, massage therapist, naturopathic physicians, chiropractors, occupational therapists, physical therapists, respiratory therapists, speech pathologists or audiologists, and pharmacists who are providing health care services at a health facility in response to the COVID-19 outbreak and are authorized to do so or are working under the direction of the HI Emergency Mgt Agency (HIEMA) a or HI Department of Health (HDOH).... “Health care

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facility” means any program, institution, place, building, or agency, or portion thereof, private or public, other than federal facilities or services, whether organized for profit or not, used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care to any person or persons.”).

<sup>xxii</sup> *Id.* (“Health care facilities, health care professionals and volunteers that in good faith comply completely with all state and federal orders regarding the disaster emergency, shall be immune from civil liability for any death or injury to persons, or property damage alleged to have been caused by any act or omission by the health care facility, which death of or injury to persons, or property damage occurred at a time when the health care facility was engaged in the course of rendering assistance to the State by providing health care services in response to the COVID-19 outbreak, unless it is established that such death or injury to persons, or property damage was caused by willful misconduct, gross negligence, or recklessness of the health care facility.”).

<sup>xxiii</sup> *Id.* (“For health care facilities, “rendering assistance” in support of the State’s response includes cancelling or postponing elective surgeries and procedures as each facility determines to be appropriate under the circumstances presented by the COVID-19 emergency if elective surgeries or procedures are performed at the health care facility; In addition, for health care facilities, “rendering assistance” in support of the State’s response must include measures such as increasing the number of beds, preserving personal protective equipment, or taking necessary steps to prepare to treat patients with COVID-19. For health care professionals, “rendering assistance” in support of the State’s response means providing health care services at a health care facility in response to the COVID-19 outbreak, or working under the direction of HIEMA or HDOH pursuant to the Emergency Proclamations.”).

<sup>xxiv</sup> Illinois Executive Order 2020-19 (April 1, 2020), <https://www2.illinois.gov/Pages/Executive-Orders/ExecutiveOrder2020-19.aspx>. (““Health Care Professional” means all licensed or certified health care or emergency medical services workers who (i) are providing health care services at a Health Care Facility in response to the COVID-19 outbreak and are authorized to do so; or (ii) are working under the direction of the Illinois Emergency Management Agency (IEMA) or DPH in response to the Gubernatorial Disaster Proclamations; In addition to hospitals, medical facilities protected under the order include nursing homes, surgery and dialysis centers, government-funded health clinics, FQHCs and any government-operated site providing health care services established for the purpose of responding to the COVID-19 outbreak; For Health Care Professionals, “rendering assistance” in support of the State’s response means providing health care services at a Health Care Facility in response to the COVID-19 outbreak, or working under the direction of IEMA or DPH in response to the Gubernatorial Disaster Proclamations.”).

<sup>xxv</sup> *Id.* (“Health Care Facilities and Health Care Professionals, shall be immune from civil liability for any injury or death alleged to have been caused by any act or omission by the Health Care Facility, which injury or death occurred at a time when a Health Care Facility was engaged in the course of rendering assistance to the State by providing health care services in response to the COVID-19 outbreak, unless it is established that such injury or death was caused by gross negligence or willful misconduct of such Health Care Facility.”).

<sup>xxvi</sup> *Id.* (“For Health Care Facilities, “rendering assistance” in support of the State’s response must include cancelling or postponing elective surgeries and procedures, as defined in DPH’s COVID-19 – Elective Surgical Procedure Guidance, if elective surgeries or procedures are performed at the Health Care Facility. In addition, for Health Care Facilities, “rendering assistance” in support of the State’s response must include measures such as increasing the number of beds, preserving personal protective equipment, or taking necessary steps to prepare to treat patients with COVID-19.”).

<sup>xxvii</sup> Iowa PPE Shortage Order (April 9<sup>th</sup>, 2020), [https://medicalboard.iowa.gov/sites/default/files/documents/2020/04/signed\\_ppe\\_shortage\\_order\\_final.pdf](https://medicalboard.iowa.gov/sites/default/files/documents/2020/04/signed_ppe_shortage_order_final.pdf). (“A health care provider, hospital, health care facility, and any other person, corporation, or other legal entity or employee of all such entities acting in compliance with this Order, or other guidance issued by the Iowa Department of Public Health or the Centers for Disease Control and Prevention related to optimizing PPE supply, in good faith is acting at the request of and under the direction of the Iowa Department of Public Health for purposes



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of the immunity provisions of Iowa Code section 135.147.... “Health care provider” means a person who is licensed, certified, or otherwise authorized or permitted by the laws of the state of Iowa or Gubernatorial Proclamations of Disaster Emergency issued on or after March 9, 2020, to administer health care services or treatment.... “Hospital” means a facility as defined in Iowa Code section 135B.1(3).... “Health care facility” means a facility as defined in Iowa Code section 135C.1(7).”; *see also* Iowa Code section 135B.1(3) (“Hospital” means a place which is devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care over a period exceeding twenty-four hours of two or more nonrelated individuals suffering from illness, injury, or deformity, or a place which is devoted primarily to the rendering over a period exceeding twenty-four hours of obstetrical or other medical or nursing care for two or more nonrelated individuals, or any institution, place, building or agency in which any accommodation is primarily maintained, furnished or offered for the care over a period exceeding twenty-four hours of two or more nonrelated aged or infirm persons requiring or receiving chronic or convalescent care; and shall include sanatoriums or other related institutions within the meaning of this chapter. Provided, however, nothing in this chapter shall apply to hotels or other similar places that furnish only food and lodging, or either, to their guests or to a freestanding hospice facility which operates a hospice program in accordance with 42 C.F.R. §418. “Hospital” shall include, in any event, any facilities wholly or partially constructed or to be constructed with federal financial assistance, pursuant to Pub. L. No. 79-725, 60 Stat. 1040, approved August 13, 1946.”); *see also* Iowa Code section 135C.1(7) (“health care facility” means a residential care facility, a nursing facility, an intermediate care facility for persons with mental illness, or an intermediate care facility for persons with an intellectual disability.”).

<sup>xxviii</sup> *Id.* (“Iowa law contains immunity provisions protecting persons, corporations, and other legal entities, and employees and agents of such persons, corporations, and other legal entities who provide medical care or assistance in good faith under the direction of the Department of Public Health during a public health disaster.”); *see also* Iowa Code § 135.147 (“any person, corporation, or other legal entity, or an employee or agent of such person, corporation, or entity, who, during a public health disaster, in good faith and at the request of or under the direction of the department or the department of public defense renders emergency care or assistance to a victim of the public health disaster shall not be liable for civil damages for causing the death of or injury to a person, or for damage to property, unless such acts or omissions constitute recklessness.”).

<sup>xxix</sup> *Id.* (“A health care provider, hospital, health care facility, and any other person, corporation, or other legal entity or employee of all such entities acting in compliance with this Order, or other guidance issued by the Iowa Department of Public Health or the Centers for Disease Control and Prevention related to optimizing PPE supply, in good faith is acting at the request of and under the direction of the Iowa Department of Public Health for purposes of the immunity provisions of Iowa Code section 135.147.”).

<sup>xxx</sup> State of Kansas Executive Order No. 20-26 (April 22, 2020), <https://governor.kansas.gov/wp-content/uploads/2020/04/EO-20-26-Executed.pdf>. (“Healthcare providers” includes, but is not limited to registered nurses, advanced practice registered nurses, licensed practical nurses, pharmacists, unlicensed volunteers, military personnel, or students and other support personnel and all entities or individuals referenced in K.S.A. 48-915.... “Designated health care facility” means entities listed in K.S.A. 40-3401(f); state-owned surgical centers; state-operated hospitals and veterans facilities; entities used as surge capacity by any of the entities listed; Adult Care Homes; and any other location specifically designated by the Governor or the Secretary of the KS Department of Health and Environment to exclusively treat patients for COVID-19.”); *see also* K.S.A. 40-3401(f) (“Healthcare provider” means a person licensed to practice any branch of the healing arts by the state board of healing arts, a person who holds a temporary permit to practice any branch of the healing arts issued by the state board of healing arts, a person engaged in a postgraduate training program approved by the state board of healing arts, a medical care facility licensed by the state of Kansas, a podiatrist licensed by the state board of healing arts, a health maintenance organization issued a certificate of authority by the commissioner, an optometrist licensed by the board of examiners in optometry, a pharmacist licensed by the state board of pharmacy, a licensed professional nurse who is authorized to practice as a registered nurse anesthetist, a licensed professional nurse who has been granted a temporary authorization to practice nurse anesthesia under K.S.A. 65-1153, and amendments thereto, a professional corporation organized pursuant to the professional corporation law of Kansas by persons who are authorized by such law to form such a corporation and who are healthcare providers as

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defined by this subsection, a Kansas limited liability company organized for the purpose of rendering professional services by its members who are healthcare providers as defined by this subsection and who are legally authorized to render the professional services for which the limited liability company is organized, a partnership of persons who are healthcare providers under this subsection, a Kansas not-for-profit corporation organized for the purpose of rendering professional services by persons who are healthcare providers as defined by this subsection, a nonprofit corporation organized to administer the graduate medical education programs of community hospitals or medical care facilities affiliated with the university of Kansas school of medicine, a dentist certified by the state board of healing arts to administer anesthetics under K.S.A. 65-2899, and amendments thereto, a psychiatric hospital licensed prior to January 1, 1988, and continuously thereafter under K.S.A. 2015 Supp. 75-3307b, prior to its repeal, and K.S.A. 2019 Supp. 39-2001 et seq., and amendments thereto, or a mental health center or mental health clinic licensed by the state of Kansas. On and after January 1, 2015, "healthcare provider" also means a physician assistant licensed by the state board of healing arts, a licensed advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a licensed advanced practice registered nurse who has been granted a temporary authorization by the board of nursing to practice as an advanced practice registered nurse in the classification of a nurse-midwife, a nursing facility licensed by the state of Kansas, an assisted living facility licensed by the state of Kansas or a residential healthcare facility licensed by the state of Kansas. "Healthcare provider" does not include: (1) Any state institution for people with intellectual disability; (2) any state psychiatric hospital; (3) any person holding an exempt license issued by the state board of healing arts or the board of nursing; (4) any person holding a visiting clinical professor license from the state board of healing arts; (5) any person holding an inactive license issued by the state board of healing arts; (6) any person holding a federally active license issued by the state board of healing arts; (7) an advanced practice registered nurse who is authorized by the board of nursing to practice as an advanced practice registered nurse in the classification of nurse-midwife or nurse anesthetist and who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto; or (8) a physician assistant licensed by the state board of healing arts who practices solely in the course of employment or active duty in the United States government or any of its departments, bureaus or agencies or who provides professional services as a charitable healthcare provider as defined under K.S.A. 75-6102, and amendments thereto.”).

<sup>xxxix</sup> *Id.* (“All health care providers making clinical and triage decisions and rendering assistance, testing, care or advice in the care of patients reasonably suspected or confirmed to be infected with COVID-19, rendered in response to any Kansas Department of Emergency Management mission related to the COVID-19 outbreak, and the proclamation issued declaring a state of disaster emergency shall be deemed immune from suit, unless it is established that any adverse event or injury was caused by the willful misconduct, gross negligence, recklessness, or bad faith or such facility or health care provider.”).

<sup>xxxix</sup> *Id.* (“All health care providers making clinical and triage decisions and rendering assistance, testing, care or advice in the care of patients reasonably suspected or confirmed to be infected with COVID-19, rendered in response to any Kansas Department of Emergency Management mission related to the COVID-19 outbreak, and the proclamation issued declaring a state of disaster emergency shall be deemed immune from suit.... The liability protections addressed in paragraph 5 of this order are not intended to extend to medical treatment or procedures performed in the ordinary or customary course of practice.”).

<sup>xxxix</sup> Kentucky Senate Bill 150, An Act Relating to the State of Emergency in Response to COVID-19 and Declaring an Emergency (March 30<sup>th</sup>, 2020), <https://legiscan.com/KY/text/SB150/id/2175871>. (“A health care provider who in good faith renders care or treatment of a COVID-19 patient during the state of emergency shall have a defense to civil liability for ordinary negligence for any personal injury resulting from said care or treatment, or from any act or failure to act in providing or arranging further medical treatment, if the health care provider acts as an ordinary, reasonable, and prudent health care provider would have acted under the same or similar circumstances. The aforesaid defense under this paragraph shall include a health care provider who: 1. Prescribes or dispenses medicines for off-label use to attempt to combat the COVID-19 virus, in accordance with the federal Right to Try Act, United States Public Law 115-176, and KRS 217.5401 to 217.5408; 2. Provides health care services, upon the



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request of health care facilities or public health entities, that are outside of the provider's professional scope of practice; or 3. Utilizes equipment or supplies outside of the product's normal use for medical practice and the provision of health care services.”).

<sup>xxxiv</sup> *Id.* (“A health care provider who in good faith renders care or treatment of a COVID-19 patient during the state of emergency shall have a defense to civil liability for ordinary negligence for any personal injury resulting from said care or treatment, or from any act or failure to act in providing or arranging further medical treatment, if the health care provider acts as an ordinary, reasonable, and prudent health care provider would have acted under the same or similar circumstances.”).

<sup>xxxv</sup> *Id.* (“A health care provider who in good faith renders care or treatment of a COVID-19 patient during the state of emergency shall have a defense to civil liability for ordinary negligence for any personal injury resulting from said care or treatment, or from any act or failure to act in providing or arranging further medical treatment, if the health care provider acts as an ordinary, reasonable, and prudent health care provider would have acted under the same or similar circumstances....”).

<sup>xxxvi</sup> Massachusetts Bill S.2640, An Act to Provide Liability Protections for Health Care Workers and Facilities During the COVID-19 Pandemic (April 16, 2020), <https://malegislature.gov/Bills/191/S2640>. (““Health care professional” means any individual, whether acting as an agent, volunteer, contractor, employee or otherwise, who is: (i) authorized to provide health care services pursuant to licensure or certification by the board of registration in medicine, the board of registration in nursing, the board of respiratory care, the board of registration of nursing home administrators, the board of registration in pharmacy, the board of registration of physician assistants, the board of allied health professionals, the board of allied mental health and human services professions, the board of registration of social workers or the board of registration of psychologists; (ii) a student or trainee in their approved medical professional services academic training program; (iii) a nursing attendant or certified nursing aide, including an individual who is providing care as part of the individual’s approved nursing attendant or certified nurse aide training program; (iv) certified, accredited or approved under chapter 111C of the General Laws to provide emergency medical services; (v) a nurse or home health aide employed by home health agency that participates in Medicare; (vi) providing health care services within the scope of authority or license permitted by a COVID-19 emergency rule; or (vii) a health care facility administrator, executive, supervisor, board member, trustee or other person responsible for directing, supervising or managing a health care facility or its personnel.... “Health care facility” includes i) hospitals, including acute and chronic disease rehabilitation hospitals; ii) state hospitals, mental health centers and other mental health facilities under the control of the department of mental health; iii) hospitals operated by the department of public health; iv) psychiatric hospitals; v) skilled nursing facilities; vi) assisted living residences; vii) rest homes; viii) community health centers; ix) home health agencies that participate in Medicare; x) clinics; xi) sites designated by the commissioner of public health to provide COVID-19 health care services, including, but not limited to, step-down skilled nursing facilities, field hospitals and hotels.”).

<sup>xxxvii</sup> *Id.* (“The immunity provided in subsection (a) shall not apply: (i) if the damage was caused by an act or omission constituting gross negligence, recklessness or conduct with an intent to harm or to discriminate based on race, ethnicity, national origin, religion, disability, sexual orientation or gender identity by a health care facility or health care professional providing health care services; (ii) to consumer protection actions brought by the attorney general; or (iii) to false claims actions brought by or on behalf of the commonwealth.”).

<sup>xxxviii</sup> *Id.* (““Health care services”, are services provided by a health care facility or health care professional, regardless of location, that involve the: (i) treatment, diagnosis, prevention or mitigation of COVID-19; (ii) assessment or care of an individual with a confirmed or suspected case of COVID-19; or (iii) care of any other individual who presents at a health care facility or to a health care professional during the period of the COVID-19 emergency.”).

<sup>xxxix</sup> Michigan Executive Order No. 2020-30, [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-523481--,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-523481--,00.html). (“Any licensed health care professional or designated health care facility that provides medical

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services in support of this state’s response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence of such health care professional or designated health care facility.... “Designated health care facility” means the following facilities, including those which may operate under shared or joint ownership: a. The entities listed in section 20106(1) of the Public Health Code, MCL 333.20106(1); b. State-owned surgical centers; c. State-operated outpatient facilities; d. State-operated veterans facilities; e. Entities used as surge capacity by any of the entities listed.”); *see also* Section 20106(1) of the Public Health Code (““health care facility or agency” ... means: (a) An ambulance operation, aircraft transport operation, nontransport prehospital life support operation, or medical first response service; (b) A county medical care facility; (c) A freestanding surgical outpatient facility; (d) A health maintenance organization; (e) A home for the aged; (f) A hospital; (g) A nursing home; (h) A hospice; (i) A hospice residence; and (j) A facility or agency listed in subdivisions (a) to (g) located in a university, college, or other educational institution.”).

<sup>xli</sup> *Id.* (“Any licensed health care professional or designated health care facility that provides medical services in support of this state’s response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence of such health care professional or designated health care facility.”).

<sup>xlii</sup> *Id.* (“Any licensed health care professional or designated health care facility that provides medical services in support of this state’s response to the COVID-19 pandemic is not liable for an injury sustained by a person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained, unless it is established that such injury or death was caused by the gross negligence of such health care professional or designated health care facility.”).

<sup>xliii</sup> State of Mississippi Executive Order No. 1471 (April 10<sup>th</sup>, 2020), [https://www.sos.ms.gov/Content/documents/about\\_us/WhatsNew/1471.pdf](https://www.sos.ms.gov/Content/documents/about_us/WhatsNew/1471.pdf). (““Healthcare Professional” means an individual who is licensed, registered, permitted, or certified in any state in the United States to provide health care services, whether paid or unpaid, or any volunteer approved by MSDH or MEMA who: i) is providing health care services at a Healthcare Facility in response to the COVID-19 outbreak and is authorized to do so; or ii) is working under the direction of MEMA or MSDH in response to the March 14, Disaster Proclamation.... “Healthcare Facilities” means (a) licensed or state approved hospitals, clinics, nursing homes, mental health centers, field hospitals or (b) other facilities designated by MSDH or Mississippi Emergency Management Agency (MEMA) for temporary use for the purposes of providing healthcare services in support of the State’s COVID-19 response.”).

<sup>xliiii</sup> *Id.* (“Such immunity shall not extend to acts or omissions that constitute a crime, fraud, malice, reckless disregard, willful misconduct, or would otherwise constitute a false claim pursuant to 31 U.S.C. §3729 *et seq.*”).

<sup>xliiv</sup> *Id.* (“Any Healthcare Professional or Healthcare Facility, absent a showing of malice, reckless disregard or willful misconduct, shall be immune from suit for civil liability for any injury or death alleged to have been sustained because of the Healthcare Professional’s or Healthcare Facility’s acts or omissions while providing healthcare services including, but not limited to, screening, assessing, diagnosing, treating patients for COVID-19 or otherwise acting in support of the State’s COVID-19 response, including but not limited to acts or omissions undertaken because of a lack of resources attributable to the COVID-19 pandemic that renders the Healthcare Professional or Healthcare Facility unable to provide the level or manner of care that otherwise would have been required in the absence of the COVID-19 pandemic.”).

<sup>xliv</sup> General Assembly of North Carolina Session 2019, S.B. 704, An Act to Provide Aid to North Carolinians in Response to the Coronavirus Disease 2019 (COVID-19) Crisis (May 2<sup>nd</sup>, 2020), <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S704v5.pdf>. (““Health care provider” means: a. An individual who is licensed, certified, or otherwise authorized under Chapter 90 or 90B of the General Statutes to

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provide health care services in the ordinary course of business or practice of a profession or in an approved education or training program; b. A health care facility where health care services are provided to patients, residents, or others to whom such services are provided as allowed by law; c. Individuals licensed under Chapter 90 of the General Statutes or practicing under a waiver in accordance with G.S. 90-12.5; d. Any emergency medical services personnel as defined in G.S. 131E-155(7); e. Any individual providing health care services within the scope of authority permitted by a COVID-19 emergency rule; f. Any individual who is employed as a health care facility administrator, executive, supervisor, board member, trustee, or other person in a managerial position or comparable role at a health care facility; g. An agent or employee of a health care facility that is licensed, certified, or otherwise authorized to provide health care services; h. An officer or director of a health care facility; i. An agent or employee of a health care provider who is licensed, certified, or otherwise authorized to provide health care services.... “Health care facility” means any entity licensed pursuant to Chapter 122C [physician and psychologists, mental health providers], 131D [adult care homes], or 131E [municipal hospitals, specialty hospitals, nursing homes, long-term care facilities] of the General Statutes or Article 64 of Chapter 58 of the General Statutes, and any clinical laboratory certified under the federal Clinical Laboratory Improvement Amendments in section 353 of the Public Health Service Act (42 U.S.C. § 263a).”).

<sup>xlvi</sup> *Id.* (“The immunity from any civil liability shall not apply if the harm or damages were caused by an act or omission constituting gross negligence, reckless misconduct, or intentional infliction of harm by the health care facility or health care provider providing health care services; provided that the acts, omissions, or decisions resulting from a resource or staffing shortage shall not be considered to be gross negligence, reckless misconduct, or intentional infliction of harm.”).

<sup>xlvii</sup> *Id.* (““Health care service” means treatment, clinical direction, supervision, management, or administrative or corporate service, provided by a health care facility or a health care provider during the period of the COVID-19 emergency declaration, regardless of the location in this State where the service is rendered: a. To provide testing, diagnosis, or treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19; b. To dispense drugs, medical devices, medical appliances, or medical goods for the treatment of a health condition, illness, injury, or disease related to a confirmed or suspected case of COVID-19; c. To provide care to any other individual who presents or otherwise seeks care at or from a health care facility or to a health care provider during the period of the COVID-19 emergency declaration.”).

<sup>xlviii</sup> State of New Jersey 219<sup>th</sup> Legislature, Senate, No. 2333 (April 13<sup>th</sup>, 2020), [https://www.njleg.state.nj.us/2020/Bills/S2500/2333\\_R1.PDF](https://www.njleg.state.nj.us/2020/Bills/S2500/2333_R1.PDF). (““Health care professional” means a physician, physician assistant, advanced practice nurse, registered nurse, licensed practical nurse, or other health care professional whose professional practice is regulated pursuant to Title 45 of the Revised Statutes or who is otherwise authorized to provide health care services in this State, an emergency medical technician or mobile intensive care paramedic certified by the Commissioner of Health pursuant to Title 26 of the Revised Statutes or who is otherwise authorized to provide Health care services in this State, and a radiologic technologist regulated pursuant to Title 26 of the Revised Statutes or who is otherwise authorized to provide health care services in this State.... “Health care facility” means any healthcare facility as defined in section 2 of P.L.2005, c.222 (C.26:13-2), and any modular field treatment facility and any other site designated by The Commissioner of Health for temporary use for the purpose of providing essential services in support of the State’s response to the outbreak of coronavirus disease during the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020.”); *see also* Section 2 of P.L.2005, c.222 (C.26:13-2) (““health care facility” means any non-federal institution, building or agency, or portion thereof whether public or private for profit or nonprofit that is used, operated or designed to provide health services, medical or dental treatment or nursing, rehabilitative or preventive care to any person. Health care facility includes, but is not limited to: an ambulatory surgical facility, home health agency, hospice, hospital, infirmary, intermediate care facility, dialysis center, long-term care facility, medical assistance facility, mental health center, paid and volunteer emergency medical services, outpatient facility, public health center, rehabilitation facility, residential treatment facility, skilled nursing facility and adult day care center. Health care facility also includes, but is not limited to, the following related property when used for or in connection with the foregoing: a laboratory, research facility, pharmacy, laundry facility, health personnel

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training and lodging facility, patient, guest and health personnel food service facility, and the portion of an office or office building used by persons engaged in health care professions or services.”).

<sup>xlix</sup> *Id.* (“The immunity granted pursuant to this subsection shall not apply to acts or omissions constituting a crime, actual fraud, actual malice, gross negligence, recklessness, or willful misconduct.”).

<sup>l</sup> *Id.* (“(1) a health care professional shall not be liable for civil damages for injury or death alleged to have been sustained as a result of an act or omission by the health care professional in the course of providing medical services in support of the State’s response to the outbreak of coronavirus disease during the public health emergency and state of emergency declared by the Governor and (2) a health care facility or a health care system that owns or operates more than one health care facility shall not be liable for civil damages for injury or death alleged to have been sustained as a result of an act or omission by one or more of its agents, officers, employees, servants, representatives or volunteers, if, and to the extent, such agent, officer, employee, servant, representative or volunteer is immune from liability pursuant to paragraph (1) of this subsection. Immunity shall also include any act or omission undertaken in good faith by a health care professional or healthcare facility or a health care system to support efforts to treat COVID-19 patients and to prevent the spread of COVID-19 during the public health emergency and state of emergency declared by the Governor, including but not limited to engaging in telemedicine or telehealth, and diagnosing or treating patients outside the normal scope of the health care professional’s license or practice.... A health care facility or a health care system that owns or operates more than one health care facility shall not be criminally or civilly liable for damages for injury or death alleged to have been sustained as a result of an act or omission by the facility or system or one or more of the facility’s or system’s agents, officers, employees, servants, representatives or volunteers during the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020 in connection with the allocation of mechanical ventilators or other scarce medical resources, if the health care facility or system adopts and adheres to a scarce critical resource allocation policy that at a minimum incorporates the core principles identified by the Commissioner of Health in an executive directive or administrative order, and the health care facility’s or system’s agents, officers, employees, servants, representatives and volunteers shall not be civilly or criminally liable for an injury caused by any act or omission pursuant to this subsection during the public health emergency and state of emergency declared by the Governor in Executive Order 103 of 2020 pursuant to, and consistent with, such policy.... It has been reported that this bill would grant immunity to all medical doctors and healthcare workers in New Jersey for all inpatient or outpatient procedures or any medical treatment rendered during the timeframe of the COVID-19 emergency. This is not an accurate statement.... The enactment of this bill is to ensure that there are no impediments to providing medical treatment related to the COVID-19 emergency and that all medical personnel supporting the COVID-19 response are granted immunity. However, medical care rendered in the ordinary course of medical practice does not provide the granting of immunity. For example, procedures performed by licensed medical professionals in their ordinary course of business, including orthopedic procedures, OB/GYN services, and necessary cardiological procedures. It is not the Legislature’s intent to grant immunity for medical services, treatment and procedures that are unrelated to the COVID-19 emergency.”).

<sup>li</sup> New York State Assembly, S.B.07506B, Emergency Disaster Treatment Protection Act, [https://assembly.state.ny.us/leg/?default\\_fld=&leg\\_video=&bn=S07506&term=0&Summary=Y&Text=Y](https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=S07506&term=0&Summary=Y&Text=Y). (“The term "health care professional" means an individual, whether acting as an agent, volunteer, contractor, employee, or otherwise, who is: (a) licensed or otherwise authorized under title eight, article one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-one-C, one hundred thirty-seven, one hundred thirty-nine, one hundred forty, one hundred fifty-three, one hundred fifty-four, one hundred sixty-three, one hundred sixty-four or one hundred sixty-five of the education law; (b) a nursing attendant or certified nurse aide, including an individual who is providing care as part of an approved nursing attendant or certified nurse aide training program; (c) licensed or certified under article thirty of this chapter to provide emergency medical services; (d) a home care services worker as defined in section thirty-six hundred thirteen of this chapter; (e) providing health care services within the scope of authority permitted by a COVID-19 emergency rule; or (f) a health care facility administrator, executive, supervisor, board member, trustee or other person responsible for directing, supervising or managing a health care facility and its personnel or other individual in a comparable role.... The term "health care facility" means a hospital, nursing home, or other facility licensed or authorized to provide health care services for any

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individual under article twenty-eight of this chapter, article sixteen and article thirty-one of the mental hygiene law or under a COVID-19 emergency rule.”).

lii *Id.* (“The immunity shall not apply if the harm or damages were caused by an act or omission constituting willful or intentional criminal misconduct, gross negligence, reckless misconduct, or intentional infliction of harm by the health care facility or health care professional providing health care services, provided, however, that acts, omissions or decisions resulting from a resource or staffing shortage shall not be considered to be willful or intentional criminal misconduct, gross negligence, reckless misconduct, or intentional infliction of harm.”).

liii *Id.* (“The term "health care services" means services provided by a health care facility or a health care professional, regardless of the location where those services are provided, that relate to: (a) the diagnosis, prevention, or treatment of COVID-19; (b) the assessment or care of an individual with a confirmed or suspected case of COVID-19; or (c) the care of any other individual who presents at a health care facility or to a health care professional during the COVID-19 emergency declaration.”).

liv State of Nevada Declaration of Emergency Directive 011 (April 1<sup>st</sup>, 2020), [http://gov.nv.gov/News/Emergency\\_Orders/2020/2020-04-01\\_-\\_COVID-19\\_Declaration\\_of\\_Emergency\\_Directive\\_011/](http://gov.nv.gov/News/Emergency_Orders/2020/2020-04-01_-_COVID-19_Declaration_of_Emergency_Directive_011/). (“Whereas, NRS 414.110(1) provides that all functions under this chapter and all other activities relating to emergency management are hereby declared to be governmental functions. Neither the State nor any political subdivision thereof nor other agencies of the State or political subdivision thereof, nor except in cases of willful misconduct, gross negligence, or bad faith, any worker complying with or reasonably attempting to comply with this chapter, or any order or regulation adopted pursuant to the provisions of this chapter, or pursuant to any ordinance relating to any necessary emergency procedures or other precautionary measures enacted by any political subdivision of the State, is liable for the death of or injury to persons, or for damage to property, as a result of any such activity.... All providers of medical services related to COVID-19 are performing services for emergency management subject to the order or control of and at the request of State Government and shall be afforded the immunities and protections set forth in NRS 414.110, subject to the same exclusions therein.”).

lv *Id.* (“Neither the State nor any political subdivision thereof nor other agencies of the State or political subdivision thereof, nor except in cases of willful misconduct, gross negligence, or bad faith, any worker complying with or reasonably attempting to comply with this chapter, or any order or regulation adopted pursuant to the provisions of this chapter, or pursuant to any ordinance relating to any necessary emergency procedures or other precautionary measures enacted by any political subdivision of the State, is liable for the death of or injury to persons, or for damage to property, as a result of any such activity.”).

lvi *Id.* (“All providers of medical services related to COVID-19 are performing services for emergency management subject to the order or control of and at the request of State Government and shall be afforded the immunities and protections set forth in NRS 414.110, subject to the same exclusions therein.”).

lvii State of Oklahoma Enrolled Senate Bill No. 300, COVID-19 Public Health Emergency Limited Liability Act (May 6<sup>th</sup>, 2020), [http://webserver1.lsb.state.ok.us/cf\\_pdf/2019-20%20ENR/SB/SB300%20ENR.PDF](http://webserver1.lsb.state.ok.us/cf_pdf/2019-20%20ENR/SB/SB300%20ENR.PDF). (““Health care facility” and “health care provider” shall have the same meaning as such terms are defined as provided in Section 6104 of Title 63 of the Oklahoma Statutes.”); see also Section 6104 of Title 63 of the Oklahoma Statutes. (““Health care facility” means any nonfederal institution, building, or agency or portion thereof, whether public or private or for profit or nonprofit, that is used, operated, or designed to provide health services, medical treatment, or nursing, rehabilitative, or preventive care to any person or persons. This includes, but is not limited to: ambulatory surgical facilities, hospitals, infirmaries, intermediate care facilities, kidney dialysis centers, long-term care facilities, mental health centers, outpatient facilities, public health centers, rehabilitation facilities, residential treatments facilities, skilled nursing facilities, special care facilities, medical laboratories, and adult day-care centers. This also includes, but is not limited to, the following related property when used for or in connection with the foregoing: laboratories; research facilities; pharmacies; laundry facilities; health personnel training and lodging facilities; patient, guest, and health personnel food service facilities; and offices and office buildings for persons engaged in

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health care professions or services.... “Health care provider” means any person or entity who provides health care services including, but not limited to, physicians, pharmacists, dentists, physician assistants, nurse practitioners, registered and other nurses, paramedics, emergency medical or laboratory technicians, and ambulance and emergency medical workers.”).

<sup>lviii</sup> *Id.* (“A health care facility or health care provider shall be immune from civil liability for any loss or harm to a person with a suspected or confirmed diagnosis of COVID-19 caused by an act or omission by the facility or provider that occurs during the COVID-19 public health emergency, if: ... 2) The act or omission was not the result of gross negligence or willful or wanton misconduct of the health care facility or health care provider rendering the health care services.”).

<sup>lix</sup> *Id.* (“In no event shall this act be construed to grant immunity from civil liability for an act or omission in the provision of health care services to a person who did not have a suspected or confirmed diagnosis of COVID-19 at the time of the services.”).

<sup>lx</sup> The Commonwealth of Pennsylvania, Order of the Governor of the Commonwealth Pennsylvania to Enhance Protections for Health Care Professionals (May 6<sup>th</sup>, 2020), <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200506-GOV-health-care-professionals-protection-order-COVID-19.pdf>. (“I hereby designate the following classifications of individuals as agents of the Commonwealth solely and exclusively for purposes of immunity from civil liability due to emergency services activities or disaster services activities only as related to the Commonwealth’s COVID-19 disaster emergency response and as such, the designated agents are entitled to no other rights, privileges, status, benefits or emoluments that might be otherwise applicable by operation of agency law: Any individual who holds a license, certificate, registration or certification or is otherwise authorized to practice a health care profession or occupation in this Commonwealth, and who is engaged in emergency services activities or the provision of disaster services activities related to the Commonwealth's COVID-19 disaster emergency response pursuant to my March 6, 2020 Proclamation of Disaster Emergency in the following types of facilities and care settings: Any health care facility, within the meaning of section 802a of the Health Care Facilities Act, 35 P.S. § 448.802a, any nursing facility, personal care home as defined in 55 Pa. Code § 2600.4 and assisted living facility, as defined in 55 Pa. Code § 2800.4 engaged in emergency services activities or the provision of disaster services activities related to the Commonwealth's COVID-19 disaster emergency response pursuant to my March 6, 2020 Proclamation of Disaster Emergency; or Any alternate care site, community-based testing site, or non-congregate care facility used for the purpose of conducting emergency services activities or the provision of disaster services activities related to the Commonwealth's COVID- 19 disaster emergency response pursuant to my March 6, 2020 Proclamation of Disaster Emergency.”).

<sup>lxi</sup> *Id.* (“The aforementioned classifications of individuals (and not the facilities or entities themselves) shall be immune from civil liability and shall not be liable for the death of or any injury to a person or for loss of or damage to property as a result of the emergency services activity or disaster services activity described above, except in the cases of willful misconduct or gross negligence, to the fullest extent permitted by law.”).

<sup>lxii</sup> *Id.* (“This grant of immunity shall not extend to health care professionals rendering non-COVID-19 medical and health treatment or services to individuals.”).

<sup>lxiii</sup> State of Rhode Island, Executive Order 20-21, 18<sup>th</sup> Supplemental Emergency Declaration – Increasing Hospital and Nursing Facility Capacity, Extending Statutory Immunity (April 10<sup>th</sup>, 2020), <https://governor.ri.gov/documents/orders/Executive-Order-20-21.pdf>. (“The following are deemed and/or affirmed to be "disaster response workers" entitled to immunity under R.I. Gen. Laws§ 30-15-IS(a) and to provide services beyond or without a license as permitted by R.I. Gen. Laws§ 30-15-IS(b): All persons and organizations subject to this Order, including health care workers providing community-based health care, services at surge hospitals and services in existing hospitals, nursing facilities and alternative nursing care sites....”).

<sup>lxiv</sup> *Id.* (“The following are deemed and/or affirmed to be "disaster response workers" entitled to immunity under R.I. Gen. Laws§ 30-15-IS(a) and to provide services beyond or without a license as permitted by R.I. Gen. Laws§ 30-



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15-IS(b): All persons and organizations subject to this Order, including health care workers providing community-based health care, services at surge hospitals and services in existing hospitals, nursing facilities and alternative nursing care sites. However, nothing in this Order provides immunity to such persons and organizations, including health care workers, for negligence that occurs in the course of providing patient care to patients without COVID-19 whose care has not been altered by the existence of this disaster emergency.”); *see also* R.I. Gen. Laws§ 30-15-IS(a). (“All functions under this chapter and all other activities relating to disaster response are hereby declared to be governmental functions. Neither the state nor any political subdivision thereof nor other agencies of the state or political subdivision thereof, nor, except in cases in willful misconduct, gross negligence, or bad faith, any disaster response worker complying with or reasonably attempting to comply with this chapter, or any order, rule, or regulation promulgated pursuant to the provisions of this chapter, or pursuant to any ordinance relating to precautionary measures enacted by any political subdivision of the state, shall be liable for the death of or injury to persons, or for damage to property, as a result of disaster response activity.”).

<sup>lxv</sup> *Id.* (“The following are deemed and/or affirmed to be "disaster response workers" entitled to immunity under R.I. Gen. Laws§ 30-15-IS(a) and to provide services beyond or without a license as permitted by R.I. Gen. Laws§ 30-15-IS(b): a. All persons and organizations subject to this Order, including health care workers providing community-based health care, services at surge hospitals and services in existing hospitals, nursing facilities and alternative nursing care sites. However, nothing in this Order provides immunity to such persons and organizations, including health care workers, for negligence that occurs in the course of providing patient care to patients without COVID-19 whose care has not been altered by the existence of this disaster emergency.”).

<sup>lxvi</sup> State of Utah, S.B. 3002, Emergency Health Care Access and Immunity Amendments, <https://le.utah.gov/~2020S3/bills/sbillenr/SB3002.pdf>. (“(a) A health care provider is immune from civil liability for any harm resulting from any act or omission in the course of providing health care during a declared major public health emergency if: (i) (A) the health care is provided in good faith to treat a patient for the illness or condition that resulted in the declared major public health emergency; or (B) the act or omission was the direct result of providing health care to a patient for the illness or condition that resulted in the declared major public health emergency; and (ii) the acts or omissions of the health care provider were not: (A) grossly negligent; or (B) intentional or malicious misconduct.... (c) During a declared major public health emergency, it is not a breach of the applicable standard of care for a health care provider to provide health care that is not within the health care provider's education, training, or experience, if: (i) the health care is within the applicable scope of practice for the type of license issued to the health care provider; (ii) (A) the health care is provided in good faith to treat a patient for the illness or condition that resulted in the declared major public health emergency; or (B) there is an urgent shortage of health care providers as a direct result of the declared major public health emergency; and (iii) providing the health care is not: (A) grossly negligent; or (B) intentional or malicious misconduct.... Additionally, as long as a healthcare provider is not grossly negligent and does not engage in intentional or malicious conduct, the law provides immunity from civil, criminal, and licensing actions for healthcare providers when they provide treatments not FDA-indicated to treat the illness (although FDA-approved for other indications). To qualify for such immunity, the treatment must (i) be within the scope of the provider's license, (ii) be provided in accordance with written recommendations issued by a federal agency on using the treatment for the particular illness, and (iii) the provider must provide informed consent to the patient (or their personal representative) regarding the potential benefits and harmful outcomes of the treatment, and document in the patient's medical record the informed consent and the patient/personal representative approval for the treatment.... Last, the law provides immunity from civil, criminal, and licensing actions against physicians when they use an investigational drug or device on a COVID-19 patient, as long as there is an agreement between the manufacturer and the treating provider that allows for the transfer of the drug/device to the physician and for the physician to use the drug/device on the particular patient. Such agreement must include an informed consent by the patient or patient representative that (i) describes the potential benefits and harmful outcomes of the drug/device, (ii) states that an insurer is not required to cover the cost of the drug/device, and (iii) states that the patient may be liable for all expenses caused by the physician treating the patient with the investigational drug/device (unless the agreement provides otherwise). The physician must also notify the patient's insurer with the date treatment was provided and the drug/device information.... "Health care provider" means the same as that term is defined in Section 78B-3-403; *see also* Section 78B-3-403. (“Health care provider" means any person, partnership, association, corporation, or

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other facility or institution who causes to be rendered or who renders health care or professional services as a hospital, health care facility, physician, physician assistant, registered nurse, licensed practical nurse, nurse-midwife, licensed direct-entry midwife, dentist, dental hygienist, optometrist, clinical laboratory technologist, pharmacist, physical therapist, physical therapist assistant, podiatric physician, psychologist, chiropractic physician, naturopathic physician, osteopathic physician, osteopathic physician and surgeon, audiologist, speech-language pathologist, clinical social worker, certified social worker, social service worker, marriage and family counselor, practitioner of obstetrics, licensed athletic trainer, or others rendering similar care and services relating to or arising out of the health needs of persons or groups of persons and officers, employees, or agents of any of the above acting in the course and scope of their employment.”).

<sup>lxvii</sup> *Id.* (“(a) A health care provider is immune from civil liability for any harm resulting from any act or omission in the course of providing health care during a declared major public health emergency if: ... (ii) the acts or omissions of the health care provider were not: (A) grossly negligent; or (B) intentional or malicious misconduct.”).

<sup>lxviii</sup> *Id.* (“(f) “Qualified treatment” means the use of a prescription drug or prescription device: (i) during a declared major public health emergency; (ii) to treat a patient who has been diagnosed with the illness or condition that resulted in the declared major public health emergency; and (iii) that has been approved for sale but not indicated by the United States Food and Drug Administration to treat the illness or condition described in Subsection (1)(f)(ii).”).

<sup>lxix</sup> Commonwealth of Virginia, Executive Order No. 60 (April 28<sup>th</sup>, 2020), [https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-60-Clarification-of-Certain-Immunity-From-Liability-For-Healthcare-Providers-in-Response-to-Novel-Coronavirus-\(COVID-19\).pdf](https://www.governor.virginia.gov/media/governorvirginiagov/executive-actions/EO-60-Clarification-of-Certain-Immunity-From-Liability-For-Healthcare-Providers-in-Response-to-Novel-Coronavirus-(COVID-19).pdf). (“Sections 8.01-225.01 and 8.01-225.02 of the Code of Virginia provide certain liability protection to healthcare providers during a state of emergency. Section 8.01-225.01 provides in relevant part: A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster by delivering health care to persons injured in such disaster shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when (i) a state or local emergency has been or is subsequently declared; and (ii) the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider’s voluntary or mandatory response to the relevant disaster.... Section 8.01-225.02 in relevant part provides: In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster shall not be liable for any injury or wrongful death of any person arising from the delivery or withholding of health care when (i) a state or local emergency has been or is subsequently declared in response to such disaster, and (ii) the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and which resulted in the injury or wrongful death at issue.”); *see also* Virginia Code Section 8.01-225.01. (““Health care providers” means those professions defined as such in § 8.01-581.1.”); *see also* Virginia Code Section 8.01-581.1. (“Health care provider” means (i) a person, corporation, facility or institution licensed by this Commonwealth to provide health care or professional services as a physician or hospital, dentist, pharmacist, registered nurse or licensed practical nurse or a person who holds a multistate privilege to practice such nursing under the Nurse Licensure Compact, nurse practitioner, optometrist, podiatrist, physician assistant, chiropractor, physical therapist, physical therapy assistant, clinical psychologist, clinical social worker, professional counselor, licensed marriage and family therapist, licensed dental hygienist, health maintenance organization, or emergency medical care attendant or technician who provides services on a fee basis; (ii) a professional corporation, all of whose shareholders or members are so licensed; (iii) a partnership, all of whose partners are so licensed; (iv) a nursing home as defined in § 54.1-3100 except those nursing institutions conducted by and for those who rely upon treatment by spiritual means alone through prayer in accordance with a recognized church or religious denomination; (v) a professional limited liability company comprised of members as described in subdivision A 2 of § 13.1-1102; (vi) a corporation, partnership, limited liability company or any other entity, except a state-operated facility, which employs or engages a licensed health care provider and which primarily renders health care services; or (vii) a director, officer, employee, independent contractor, or agent of

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the persons or entities referenced herein, acting within the course and scope of his employment or engagement as related to health care or professional services.”).

<sup>lxx</sup> *Id.* (“In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster by delivering health care to persons injured in such disaster shall be immune....”).

<sup>lxxi</sup> *Id.* (“Sections 8.01-225.01 and 8.01-225.02 of the Code of Virginia provide certain liability protection to healthcare providers during a state of emergency. Section 8.01-225.01 provides in relevant part: A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster by delivering health care to persons injured in such disaster shall be immune from civil liability for any injury or wrongful death arising from abandonment by such health care provider of any person to whom such health care provider owes a duty to provide health care when (i) a state or local emergency has been or is subsequently declared; and (ii) the provider was unable to provide the requisite health care to the person to whom he owed such duty of care as a result of the provider’s voluntary or mandatory response to the relevant disaster.... Section 8.01-225.02 in relevant part provides: In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster shall not be liable for any injury or wrongful death of any person arising from the delivery or withholding of health care when (i) a state or local emergency has been or is subsequently declared in response to such disaster, and (ii) the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and which resulted in the injury or wrongful death at issue.... “Emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency” shall be deemed to include but is not limited to: (i) insufficient availability of PPE, ventilators, or other drugs, blood products, supplies or equipment; (ii) insufficient availability of trained staff; (iii) having licensed healthcare professionals deliver care that, while included in the scope of their licensure, exceeds the scope of their credentials at the hospital or other health care facility at which they deliver services or exceeds the scope of the services that they normally provide; (iv) implementation or execution of triage protocols or scarce resource allocation policies necessitated by healthcare provider declaration of crisis standards of care; and (v) using supplies or equipment in innovative ways that are different from the way that these supplies and equipment are normally used.”).

<sup>lxxii</sup> State of Vermont, Addendum 9 to Executive Order 01-20, Extension of State of Emergency Declared March 13, 2020; Other COVID-19 Related Directives and Clarifications (April 10<sup>th</sup>, 2020), <https://governor.vermont.gov/sites/scott/files/documents/ADDENDUM%209%20TO%20EXECUTIVE%20ORDER%2001-20.pdf>. (““Health Care Providers” means all health care providers as defined by 18 V.S.A. § 9432(9), including volunteers, who are providing health care services in response to the COVID-19 outbreak and are authorized to do so.... “Health Care Facilities” means State licensed nursing homes (as defined in 33 V.S.A. § 7102(7)) and Middlesex Therapeutic Community Residence, all State licensed assisted living residences (as defined in 33 V.S.A. § 7102(1)), Level III residential care homes (33 V.S.A. 7102(10)(A)), intermediate care facilities for individuals with intellectual disability (ICF/ID) (42 C.F.R. § 440.150), all State therapeutic community residences (as defined in 33 V.S.A. § 7102 (11)), Level IV residential care homes (33 V.S.A. § 7102 (10)(B)), all hospitals (as defined in 18 V.S.A. § 1902) and all alternate or temporary hospital sites and other isolation, quarantine or housing sites designated by the Commissioner of PSD/VEM for the treatment of, or alternate shelter for those who have been exposed to or infected with COVID-19.”); *see also* 18 V.S.A. § 9432(9). (““Health care providers” means a person, partnership, corporation, facility, or institution, licensed or certified or authorized by law to provide professional health care service in this State to an individual during that individual’s medical care, treatment, or confinement.”).

<sup>lxxiii</sup> *Id.* (“The intent of this rule is to clarify that under protections afforded by 20 V.S.A. § 20, Health Care Facilities, Health Care Providers, and Health Care Volunteers would be immune from civil liability for any death, injury, or loss resulting from COVID-19 related emergency management services or response activities, except in the case of willful misconduct or gross negligence.”).

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<sup>lxxiv</sup> *Id.* (“For Health Care Facilities and Health Care Providers, an emergency management service or response activity, includes, but may not be limited to: i. Expedited postponement of non-essential adult elective surgery and medical and surgical procedures, including dental procedures, in the safest but most expedient way possible, as ordered by Addendum 3 of the Executive Order, if elective surgeries and medical and surgical procedures are performed at the Health Care Facility or by the Health Care Provider; ii. Cancelling or denying elective surgeries or procedures or routine care to the extent determined necessary for the health, safety and welfare of a patient or as necessary to respond to the COVID-19 outbreak; iii. Redeployment or cross training of staff not typically assigned to such duties, to the extent necessary to respond to the COVID-19 outbreak; iv. Planning, or enacting, crisis standard-of-care measures, including, but not limited to, modifying numbers of beds, preserving PPE, and triaging access to services or equipment as necessary to respond to the COVID-19 outbreak; and v. Reduced record-keeping to the extent necessary for Health Care Providers to respond to the COVID-19 outbreak.”).

<sup>lxxv</sup> 2019 Wisconsin Act 185 (April 15, 2020), <https://docs.legis.wisconsin.gov/2019/related/acts/185>. (“(a) Health care professional” means an individual licensed, registered, or certified by the medical examining board under subch. II of ch. 448 or the board of nursing under ch. 441. (b) “Health care provider” has the meaning given in s. 146.38 (1) (b) and includes an adult family home, as defined in s. 50.01 (1).”); *see also* Subch. II of ch. 448 (providing that the board may grant licenses, including various classes of temporary licenses, to practice medicine and surgery, to practice as an administrative physician, to practice perfusion, to practice as an anesthesiologist assistant, and to practice as a physician assistant, in addition to certifying respiratory care practitioners); *see also* S. 146.38 (1) (b) (““Health care provider” means: 1. A person specified in s. 146.81 (1) (a) to (hp), (r), or (s).; 2. A facility, association, or business entity, as specified in s. 146.81 (1) (i) to (q) and including a residential care apartment complex, as defined in s. 50.01 (6d).; 3. A person working under the supervision of or in collaboration with a person specified in subd. 1.; 4. A parent, subsidiary, or affiliate organization of a facility, association, or business entity, as specified in subd. 2.”); *see also* S. 146.81 (1) (a) to (hp), (r), and (s) (defining “health care provider” as: (a) A nurse licensed under ch. 441; (b) A chiropractor licensed under ch. 446; (c) A dentist licensed under ch. 447; (d) A physician, physician assistant, perfusionist, or respiratory care practitioner licensed or certified under subch. II of ch. 448; (dg) A physical therapist or physical therapist assistant who is licensed under subch. III of ch. 448 or who holds a compact privilege under subch. IX of ch. 448; (dr) A podiatrist licensed under subch. IV of ch. 448; (em) A dietitian certified under subch. V of ch. 448; (eq) An athletic trainer licensed under subch. VI of ch. 448; (es) An occupational therapist or occupational therapy assistant licensed under subch. VII of ch. 448; (f) An optometrist licensed under ch. 449; (fm) A pharmacist licensed under ch. 450; (g) An acupuncturist certified under ch. 451; (h) A psychologist licensed under ch. 455; (hg) A social worker, marriage and family therapist, or professional counselor certified or licensed under ch. 457; (hm) A speech-language pathologist or audiologist licensed under subch. II of ch. 459 or a speech and language pathologist licensed by the department of public instruction; (hp) A massage therapist or bodywork therapist licensed under ch. 460; (r) An emergency medical services practitioner, as defined in s. 256.01 (5); (s) An emergency medical responder, as defined in s. 256.01 (4p)); *see also* S. 146.81 (1) (i) to (q) (defining “facility, association, or business entity” as (i) A partnership of any providers specified under pars. (a) to (hp); (j) A corporation or limited liability company of any providers specified under pars. (a) to (hp) that provides health care services; (k) A cooperative health care association organized under s. 185.981 that directly provides services through salaried employees in its own facility; (L) A hospice licensed under subch. VI of ch. 50; (m) An inpatient health care facility, as defined in s. 50.135 (1); (n) A community-based residential facility, as defined in s. 50.01 (1g); (p) A rural medical center, as defined in s. 50.50 (11); (q) An ambulance service provider, as defined in s. 256.01 (3).); *see also* S. 50.01 (6d) (““Residential care apartment complex” means a place where 5 or more adults reside that consists of independent apartments, each of which has an individual lockable entrance and exit, a kitchen, including a stove, and individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. “Residential care apartment complex” does not include a nursing home or a community-based residential facility, but may be physically part of a structure that is a nursing home or community-based residential facility. In this subsection, “stove” means a cooking appliance that is a microwave oven of at least 1,000 watts or that consists of burners and an oven.”).

<sup>lxxvi</sup> *Id.* (“Any health care professional, health care provider, or employee, agent, or contractor of a health care professional or health care provider is immune from civil liability for the death of or injury to any individual or any

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damages caused by actions or omissions that satisfy all of the following: ... c) The actions or omissions do not involve reckless or wanton conduct or intentional misconduct.”).

<sup>lxxvii</sup> *Id.* (“Any health care professional, health care provider, or employee, agent, or contractor of a health care professional or health care provider is immune from civil liability for the death of or injury to any individual or any damages caused by actions or omissions that satisfy all of the following: a) The action or omission is committed while the professional, provider, employee, agent, or contractor is providing services during the state of emergency declared under s. 323.10 on March 12, 2020, by executive order 72, or the 60 days following the date that the state of emergency terminates. b) The actions or omissions relate to health services provided or not provided in good faith or are substantially consistent with any of the following: 1. Any direction, guidance, recommendation, or other statement made by a federal, state, or local official to address or in response to the emergency or disaster declared as described under par. (a). 2. Any guidance published by the department of health services, the federal department of health and human services, or any divisions or agencies of the federal department of health and human services relied upon in good faith.”).