



Nall & Miller, LLP

Atlanta Roots,
National Reach

COVID-19 Legislation

RE: *Immunity from Civil Liability and Relaxed Licensing Requirements
for Health Care Providers & Health Care Facilities*

STATE	IMMUNITY (GROSS NEGLIGENCE EXCLUDED)	LICENSING FOR OUT OF STATE HEALTH CARE PROVIDERS
ALABAMA	<p>Emergency management workers, individuals, partnerships or corporations reasonably attempting to comply with measures promulgated pursuant to the AL Emergency Management Act or other precautionary measures are immune from liability arising from such activity. Where health care facilities (“HCFs”) have invoked emergency operation plans in response to a public health emergency, “alternative standards of care” may be implemented and serve as the “degree of care” required during the response. Health care providers (“HCPs”) are declared “Emergency Management Workers.” <i>AL Code § 31-9-16; State of Alabama Proclamation by the Governor (Kay Ivey) 3.13.2020</i></p>	<p>Emergency Management Workers exempted from licensure requirements during emergency management emergencies. <i>Id.</i></p>
ALASKA	<p>Arguable Immunity:</p> <p>A person who provides equipment or services on the request of a police agency, fire department, rescue or emergency squad, or other governmental agency during a state of emergency declared by an authorized representative of the state or local government is not liable for the death of or injury to any person or damage to any property caused by that person’s actions, except when the trier of facts finds that the person acted intentionally, recklessly, or with gross negligence. <i>A.S. 09.65.091</i> [AK has not officially mandated HCPs to respond but did halt elective medical procedures.]</p>	<p>HCPs holding valid licenses in other states may be issued “courtesy” emergency licenses to provide treatment within the scope of and during the declared state of emergency. <i>Office of the Lt. Gov. Memorandum Re: Filed Emergency Regulations of the State Medical Board 4.21.20</i></p>

<p>ARIZONA</p>	<p>HCPs, HCFs and temporary HCFs are presumed to have acted in good faith and, therefore, are immune from civil liability arising from the provision of medical services provided in support of the state’s public health emergency for COVID-19. <i>E.O. 2020-27; See also A.R.S. § 36-790</i> (regarding immunity related to HIPAA compliance)</p>	<p>HCPs licensed in other states may apply for temporary emergency licenses.</p> <p>Licensure renewal deferred for AZ HCP licenses expiring between 3.1 – 9.2.20. <i>E.O. 2020-17</i></p>
<p>ARKANSAS</p>	<p>No “emergency responder”, when complying with or reasonably attempting to comply with any rules or regulations promulgated under the Arkansas Emergency Services Act of 1973 shall be liable for injury or death as result of any such activity. <i>A.C.A. § 12-75-128.</i></p> <p>To the extent necessary to provide immunity from liability to HCPs, no matter his/her employment or compensation, for liability arising from acts or omissions related to the provision of medical services in support of the response to COVID-19 or the implementation of measures to control the causes, Arkansas Code Sections contrary to said immunity are temporarily suspended. <i>E.O. 20-18</i></p>	<p>Currently no relaxed licensure requirements for AR HCPs or out-of-state HCPs.</p>
<p>CALIFORNIA</p>	<p>Any HCP, regardless of his/her state of licensure, or HCF rendering services during a state of emergency at the express or implied request of any responsible state or local official or agency is immune from liability for injuries arising from those services, regardless of how or under what circumstance or by what cause those injuries are sustained. <i>CA GOVT § 8659.</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in CA. <i>Proclamation of a State of Emergency 3.4.20</i></p>
<p>COLORADO</p>	<p>No immunity as of 5.1.20. (Volunteer HCPs are immune when rendering treatment in response to emergency.)</p> <p><u>CO Crisis Standard of Care</u></p>	<p>HCPs from other states allowed to practice without a CO license during state of emergency. <i>CO Dept. Regulatory Agencies Guidance 3.13.20</i></p>

<p style="text-align: center;">CONNECTICUT</p>	<p>Any HCP or HCF is immune from civil liability arising out of injury or death sustained because of the HCP or HCF's acts or omissions undertaken because of a lack of resources, attributable to the COVID-19 pandemic, that renders the HCP or HCF unable to provide the level or manner that otherwise would have been required in the absence of COVID-19 and which resulted in the damages at issue. Immunity applies to acts or omissions occurring at any time during the public health and civil preparedness emergency declared on 3.10.20, through any period of extension or renewal, including acts or omissions occurring prior to 3.10.20 where attributable to the COVID-19 response efforts. <i>CT Executive Order NO. 7U</i></p>	<p>Licensing requirements suspended for sixty (60) from 3.23.20 to allow HCPs appropriately licensed, certified or registered in another state or territory to render temporary assistance in CT within the scope of the profession for which the HCP is licensed. Entities engaging out-of-state HCPs must verify credentials, insurance coverage and good standing of HCP applicants. <i>CT Dept. of Pub. Health Order 3.23.20</i></p>
<p style="text-align: center;">DELAWARE</p>	<p>HCPs rendering assistance at the request of DE or its political subdivisions during state of emergency are considered public employees and, therefore, immune from civil liability arising out of assistance rendered. <i>Del. Code Ann. Tit. 20 § 3144; Joint Order of Dept. Health and Social Services and DE Emergency Management Agency</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in DE. <i>Joint Order of Dept. Health and Social Services and DE Emergency Management Agency 3.24.20</i></p>
<p style="text-align: center;">FLORIDA</p>	<p>No immunity as of 5.1.20. (Volunteer HCPs are immune when rendering treatment in response to emergency.)</p>	<p>Any HCP holding active license in another state is permitted to practice in FL for a period not to exceed 30 days unless extended by order of the State Surgeon General. <i>Dept. of Health E.O. No. 20-002; Extended to 5.8.20. Dept. of Health E.O. No. 20-004.</i> [NOTE: Governor DeSantis issued E.O. No. 20-52 initially relaxing licensure requirements for volunteer HCPs.]</p>

<p>GEORGIA</p>	<p>Loosely, immunity from tort liability extends to “emergency management workers” engaged in “emergency management activity.” O.C.G.A. § 38-3-35.</p> <p>HCPs declared “emergency management workers.” E.O. 04.14.20.01</p>	<p>HCPs licensed in other states may obtain temporary licenses. E.O. 03.14.20.01</p>
<p>HAWAII</p>	<p>Governor directed all HCPs and HCFs “to render assistance” in support of the state’s response to Covid-19 and, as such, HCPs and HCFs are immune from civil liability so long as they render assistance related to COVID-19, including, but not limited to, claims arising from postponement of elective procedures. E.O. No. 20-05</p>	<p>HCPs licensed in other states allowed to practice in HI during state of emergency. <i>Supplemental Proclamation 3.16.20</i></p>
<p>IDAHO</p>	<p>No immunity as of 5.1.20. (Volunteer HCPs are immune when rendering treatment in response to emergency.)</p> <p>To follow: Governor's Working Group</p>	<p>Any HCP holding an active license in another state is permitted to practice in ID. <i>ID State Board of Medicine Proclamation 3.18.20</i></p>
<p>ILLINOIS</p>	<p>HCPs and HCFs are immune from civil liability arising from treatment related to Covid-19 and from the postponement or cancellation of elective procedures. E.O. 2020-19 (4.1.20) Extends through the remainder of the Gubernatorial Disaster Proclamations.</p>	<p>Any HCP holding an active license in another state is permitted to practice in IL through 9.30.20. <i>Emergency Proclamation of Dept. of Financial and Professional Regulation Division 3.30.20</i></p>

<p style="text-align: center;">INDIANA</p>	<p>HCPs licensed to provide treatment under IN or other states immune from liability arising from provision of health care services in response to an event that is declared a disaster emergency. <i>I.C. 34-30-13.5-1; E.O. 20-02 (declaring public health disaster emergency); E.O. 20-17</i></p> <p>HCFs immune from liability arising from HCPs providing treatment as noted above. <i>I.C. 34-30-13.5-3</i></p> <p>HCPs administering an inoculation or another medical counter measure against an actual or potential public health emergency is immune from civil liability for injury or damage arising from the results of the administration of inoculation or other counter measures. <i>I.C. 34-30-12.5-3.</i></p>	<p>HCPs licensed in other states may obtain temporary license to practice in IN. <i>E.O. 20-05 & 20-13.</i></p>
<p style="text-align: center;">IOWA</p>	<p>No specific immunity to date, however:</p> <p>HCPs and HCFs are immune from liability where “in good faith and at the request of or under the direction of the department or department of public defense” assistance is rendered to a victim of a public health disaster. <i>IA Code § 135.147</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in IO. <i>Proclamation of Disaster Emergency 3.17.20</i></p>
<p style="text-align: center;">KANSAS</p>	<p>HCPs and HCFs immune from liability arising from clinical triage decisions, rendering assistance, testing, care or advice related to care of patients reasonably suspected or confirmed to be infected with COVID-19. <i>E.O. 20-26</i></p>	<p>HCPs licensed in other states may apply for emergency temporary licensure.</p>

<p>KENTUCKY</p>	<p>HCPs immune from liability during state of emergency in arising from “good faith” care or treatment of COVID-19 patient. <i>KRS § 39A.280; E.O. 2020-215</i></p>	<p>HCPs not licensed to practice in KY may “register” to practice in KY during the state of emergency as declared by the Governor. <i>See KY Board of Medical Licensure “Instructions for Registration of Health Practitioner’s in Response to Emergency”</i></p>
<p>LOUISIANA</p>	<p>Any HCP providing any health care service or first aid during declared state of emergency wherein the state of emergency affects the ability to render care is immune from liability. <i>LSA – R.S. 37.1731.1</i> [Proposed on 3.31.20; awaiting second reading.]</p> <p>During state or public health emergency, HCP immune from liability for causing death, injury or property damage except in the event of gross negligence or willful misconduct. <i>LSA – R.S. 29.771</i> [Proposed on 3.31.20]</p> <p><i>Legislative session to convene on 5.4.2020.</i></p>	<p>Temporary appointment of privileges and licensing permitted for HCP willing to assist in responding to public health emergency. <i>LSA – R.S. 29.764</i></p>
<p>MAINE</p>	<p>HCPs and HCFs immune from civil liabilities as if they are state employees/state agencies for any care provided “in support of the State’s response to a declared <i>extreme</i> public health emergency.” <i>22 MRSA §816</i></p> <p>HFCs immune from civil liability arising from claims of negligent hiring, credentialing and supervision if arising from hiring, credentialing and supervision performed in response to “an <i>extreme</i> public health emergency.” <i>Id.</i></p> <p>Extreme state of emergency declared. <i>Proclamation to Renew State of Civil Emergency 4.14.20; 22 MRSA §802</i></p>	<p>Allows expedited emergency licensure at no cost to HCPs licensed in other states so that they may provide COVID-19 related care in ME. <i>E.O. 19/20</i></p>

<p>MARYLAND</p>	<p>HCP immune from civil and/or criminal liability if acting in good faith and under catastrophic health emergency proclamation. <i>MD Pub. Safety § 14-3A-06</i></p>	<p>HCPs licensed in other states may practice in MD if doing so is necessary for HCFs to meet required staffing ratios or otherwise safely render care in response to COVID-19. <i>Order of the Gov. of State of Maryland Relating to Various Health Care Matters 3.16.20</i></p>
<p>MASSACHUSETTS</p>	<p>HCPs and HCFs immune from civil liability arising from care provided in during COVID-19 emergency, including liability arising from decisions made to postpone health care services if decisions made in response to or as a result of responding to COVID-19. <i>MA Senate Bill No. 2640</i>, signed into law by Gov. Baker on 4.17.20</p>	<p>HCPs from other states may be granted emergency temporary licensure to render care in response to COVID-19. <i>Mass. Board of Registration in Medicine</i></p>
<p>MICHIGAN</p>	<p>HCPs and HCFs immune from civil liability arising from care rendered in response to state's response to COVID-19, including liability arising from care effected by decisions made in response in to COVID-19. <i>E.O. 2020-30; MCLA §30.411</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in MI. <i>E.O. 2020-30</i></p>
<p>MINNESOTA</p>	<p>No immunity as of 5.1.20. (Volunteer HCPs are immune when rendering treatment in response to emergency.)</p>	<p>HCPs licensed in other states may render care in MN in response to COVID-19 so long as care rendered at MN HCFs. <i>E.O. 20-46</i></p>
<p>MISSISSIPPI</p>	<p>HCPs and HCFs immune from civil liability arising from care provided during COVID-19, including liability arising from lack of resources or availability to treat issues unrelated to COVID-19. <i>E.O. 1471</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in MS. <i>Proclamations Issued by Mississippi State Board of Medical Licensure 3.15.20 and 3.24.20</i></p>

MISSOURI	No immunity as of 5.1.20. (Volunteer HCPs are immune when rendering treatment in response to emergency.)	Any HCP holding an active license in another state is permitted to practice in MO. <i>Healing Arts COVID-19 Waivers</i>
MONTANA	HCPs and HCFs immune from civil liability arising out from care provided during declared emergency or disaster. <i>MCA §10-3-110; E.O. No. 3-2020</i> (State of emergency to run concurrent with state of emergency declared by President.)	No specific relaxation of licensure requirements for HCPs receiving compensation. For Updates
NEBRASKA	Proposed Bill was introduced on 3.30.20. Legislative session currently suspended.	Any HCP holding an active license in another state is permitted to practice in NE. <i>E.O. 20-10</i>
NEVADA	HCPs providing services related to emergency management of COVID-19 are immune from civil liability arising from those services. HCPs are further permitted to practice outside the scope of their specialization to the extent necessary to “bolster” Nevada’s health care system during the COVID-19 crisis. <i>Declaration of Emergency Directive 011.</i>	Licensing requirements temporarily waived for HCP licensed in another state, and HCPs may obtain emergency licensure. <i>Id.</i>
NEW HAMPSHIRE	HCPs and HCFs immune from civil liability arising from care provided during COVID-19. <i>NHRSA 21-P:41; Atty. Gen. Opinion No. 2020-01 4.22.20</i>	Any HCP holding an active license in another state is permitted to practice in NH. <i>E.O. 2020-04</i>
NEW JERSEY	HCPs and HCFs immune from civil liability arising from care provided in connection with public health emergencies. <i>NJSA 26:13-19(c)(2); E.O. No. 112</i>	HCPs holding active licenses out of state may be granted temporary NJ license to practice during NJ’s COVID-19 response. <i>E.O. No. 112</i>
NEW MEXICO	No immunity as of 5.1.20. (Volunteer HCPs are immune when rendering treatment in response to emergency.)	No specific relaxation of licensure requirements.

NEW YORK	HCPs and HCFs (and administrators) immune from civil liability arising from care provided or <i>omitted</i> in a good faith response to COVID-19. <i>Art. 30-D, NY Pub Health Law, §§ 3080 & 3082(1); E.O. No. 202.10</i>	Any HCP holding an active license in another state is permitted to practice in NY. <i>E.O. 202.5</i>
NORTH CAROLINA	HCPs and HCFs are considered emergency management workers and agents of the State for tort liability and immunity purposes and, therefore, are immune from civil liability arising from care rendered in response to COVID-19 or omitted owing to lack of resources for duration of the state of emergency. <i>NC Gen. Stat. §166A-46; E.O. No. 130</i>	Any HCP holding an active license in another state is permitted to practice in NC. <i>E.O. No. 116</i>
NORTH DAKOTA	No immunity. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)	Certain licensing requirements temporarily suspended for HCPs holding active licenses in other states, subject to verification of credentials and other requirements to <i>be determined</i> by the State Health Officer. <i>E.O. 2020-05.1</i>
OHIO	No immunity as of 5.1.20. (HCPs and HCFs immune from liability when providing care to indigent persons at certain registered nonprofit shelters and HCFs.) Pending: OH HB606 introduced on 4.10.20 to grant civil liability to a person who provides services for essential businesses and operations for injury or death caused by transmission of COVID-19 during period of emergency declared pursuant to Executive Orders.	No official licensure relaxations for out-of-state HCPs.
OKLAHOMA	HCPs and HCFs immune from liability arising from care rendered to assist with COVID-19. <i>76 OKS §5.9; E.O. 2020-13 Third Amendment</i>	HCPs licensed in other states may apply for emergency temporary licensure. <i>E.O. 2020-07</i>

<p style="text-align: center;">OREGON</p>	<p>No immunity as of 5.1.20. (Some immunity for HCPs providing care at charitable organizations.)</p>	<p>HCPs licensed in other states may apply for emergency temporary licensure. <i>OMB 4-2020, CH. 847</i></p> <p>Locum tenens licensees are no longer limited to 240 days/biennium; may practice indefinitely in OR during COVID-19. <i>Id.</i></p>
<p style="text-align: center;">PENNSYLVANIA</p>	<p>No immunity. (Volunteer HCPs rendering gratuitous aid at “scene of emergency.”)</p> <p>* See PA DOH Interim COVID-19 Standard of Care Guidelines</p>	<p>HCPs licensed in other states may obtain expedited temporary licenses during PA’s disaster declaration.</p>
<p style="text-align: center;">RHODE ISLAND</p>	<p>HCPs and HCFs immune from civil liability arising out of “responding to virus and treating COVID-19 patients” but does not provide immunity for alleged negligent acts or omissions arising out of care provided to patients without COVID19 whose care has not been altered by existence of the emergency. <i>E.O. 20-21; RI Gen. Laws §30-15-15(a)</i></p>	<p>HCPs licensed in other states need only submit a completed application verifying license in home state to receive 90-day temporary RI license, which may be renewed one time. Both the temporary license and renewal are free of cost. RI Application</p>
<p style="text-align: center;">SOUTH CAROLINA</p>	<p>No immunity. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)</p>	<p>HCPs may be granted emergency licenses to combat COVID-19 without payment of application fees. For More Information</p>

SOUTH DAKOTA	No immunity. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)	Where HCFs require additional HCPs to meet the demands within those HCFs owing to COVID-19, HCPs with licenses in other states may practice in person or remotely to assist the HCFs requesting HCFs. <i>E.O. 2020-07</i>
TENNESSEE	No immunity. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)	HCPs licensed in other states may practice in TN to assist with the state's COVID-19 response. <i>E.O. 15 & 20</i>
TEXAS	No immunity. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)	HCPs holding licenses in other states may qualify for limited emergency license to practice in TX for no more than 30 days. 22 T.A.C. Ch. 172.20-21. TX Med. Board
UTAH	HCPs and HCFs immune from liability arising from the performance of activities related to implementing measures to control causes of the epidemic, pandemic, communicable diseases, or other conditions significantly affecting public health as necessary to protect the public health, investigating, controlling and treating disease or responding to a national, state or local emergency, public health emergency, or declaration by the President of the United States. <i>Senate Bill 3002 (Enacted 4.22.20 as UCA §§ 58-13-2.7 & 58-85-106)</i>	HCPs licensed in other states may practice in UT for duration of declared emergency by obtaining DOPL Time-limited Emergency Licensure. Additional Information

<p style="text-align: center;">VERMONT</p>	<p>HCPs and HCFs immune from liability arising from COVID-19 response activities and emergency services including, but not limited to, postponement of non-essential adult elective surgery and medical procedures, cancelling or denying elective procedures or routine care to respond to COVID-19, cross-training of staff not typically assigned to perform certain duties, modifying numbers of beds and reduced record keeping. <i>E.O. 01-20, Amendment 9</i></p>	<p>MDs, PAs and DPMs licensed in other states may be “deemed” admitted under certain circumstances. HCPs may apply for emergency licensure where not “deemed” admitted. Additional Information</p>
<p style="text-align: center;">VIRGINIA</p>	<p>HCPs and HCFs immune from liability arising from treatment related to COVID-19 including, but not limited to, insufficient availability of PPE, ventilators, drugs, blood products or supplies, insufficient availability of trained staff, execution of triage protocols or resource allocation and using supplies in ways that are different from the way said supplies are intended to be used. <i>E.O. Number 60 (2020); V.C.A. §§ 8.01-225.01 and 8.01-225.02</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in VA. <i>E.O. Number 42</i></p>
<p style="text-align: center;">WASHINGTON</p>	<p>No immunity for HCPs. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)</p> <p>HCFs immune from liability arising out of credentialing and privileging if HCP was credentialed or privileged to respond to a declared state of emergency. <i>RCW 4.24.810</i></p>	<p>Relaxed licensure requirements for volunteer HCPs.</p>
<p style="text-align: center;">WEST VIRGINIA</p>	<p>No immunity for HCPs. (Volunteer HCPs rendering gratuitous aid in response to emergencies.)</p>	<p>HCPs holding a valid license in another state may register with the WV Board of Medicine to provide care in WV during the declared state of emergency. <i>E.O. 07-20</i></p>

<p style="text-align: center;">WISCONSIN</p>	<p>HCPs and HCFs immune from liability arising from incidents occurring during the state of emergency or within 60 days of its expiration where injuries or death arise from acts or omissions relating to health care services provided or not provided in good faith or are substantially related to any directions, guidance or recommendations made by federal, state or local officials [very broad] or any directions, guidance or recommendations published by the departments and/or agencies of the federal or state governments. <i>2019 WI Act 185 (enacted to create Wis. Stat. 895.4801)</i></p>	<p>Any HCP holding an active license in another state is permitted to practice in WI so long as the practice is necessary for an HCF to deliver services during COVID-19, HCP is not under investigation, HCF's needs reasonably prevent in-state credentialing in advance of practice and HCP must apply for temporary or permanent WI license within 10 days of starting work at WI HCF. <i>E.O. # 16</i></p>
<p style="text-align: center;">WYOMING</p>	<p>Any HCP who, in good faith, follows instructions of the state health officer in responding to a public health emergency is immune from liability arising from complying with those instructions. Immunity also applies to any retired HCP, HCPs with inactive licenses or HCPs licensed in other states without a valid Wyoming license and while performing as a volunteer during a declared public health emergency. <i>WY Stat § 35-4-114. [NOTE: WY Dept. of Health Instructions Change Frequently: State Health Advisory Updated Guidance for HCPs]</i></p>	<p>Licensing boards may issue temporary licenses during public health emergencies as the board sees fit (including issuance to retired HCPs) and said licenses terminate automatically when the governor declares the public health emergency has ended. <i>W.S. § 35-4-114.</i></p>