



COVID-19 Pandemic State Government Activity

Below is a summary of activities undertaken or announced by State Executives, Departments of Insurance, and Legislatures relating to the COVID-19 pandemic that may be of special interest to Medical Professional Liability (MPL) Association members and their insureds:

State	Summary
	<i>Executive Orders</i> <i>Statutes/Bills</i> <i>Insurance Dept. Issuances</i>
CT	<p style="color: red;"><u>E.O. No. 7U</u> provides civil liability immunity to healthcare professionals and facilities for any injury or death alleged to have been sustained because of the individual's or facility's acts or omissions undertaken in good faith while providing health care services in support of the state's COVID-19 response. Applies to acts or omissions stemming from a lack of resources that renders the professional or 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 that resulted in the damages at issue. Exception for acts or omissions that constitute a crime, fraud, malice, gross negligence, willful misconduct, or would otherwise constitute a false claim or prohibited act.</p> <p style="color: red;"><u>E.O. No. 7S</u> requires all insurers domiciled or conducting business in Connecticut to issue a 60-day grace period for premium payments, policy cancellations, and non-renewals of insurance policies beginning Wednesday, April 1, 2020.</p>
IL	<p style="color: red;"><u>COVID-19 E.O. No. 17</u> provides civil liability immunity to medical professionals, medical volunteers, and healthcare facilities for any injury or death alleged to have been caused by any act or omission by the covered entity in rendering healthcare services in response to the COVID-19 outbreak. Exemptions for gross negligence or willful misconduct.</p>
IN	<p style="color: blue;"><u>IC 34-30-13.5-1</u> provides civil liability immunity to health professionals for any act or omission relating to the provision of healthcare services in response to an event that is declared a disaster emergency regardless of whether the provision of healthcare services occurred before or after the declaration of a disaster emergency. Protection is limited to healthcare services provided within the medical professional's scope of practice at a location where healthcare services are provided.</p> <p><u>DOI Bulletin 252</u> requests all insurance companies and HMOs in Indiana to institute a moratorium on cancellations and non-renewals of any insurance policy in effect for a policyholder in Indiana for a 60-day period for any premium payment due from March 19, 2020 to May 18, 2020. It also suspends requirements for healthcare providers participating in the Indiana Patient's Compensation Fund (PCF) to hold an Indiana license, clarifies that out-of-state licensed providers and those coming out of retirement to serve must be enrolled with DOI to participate in the PCF. PCF surcharge payments are extended from 30-days to 90-days.</p>

KS	K.S.A. § 65-2891 provides limited civil liability immunity to healthcare professionals for acts or omissions stemming from emergency care or assistance provided to an injured person. Exception gross negligence and willful or wanton acts or omission.
KY	The Department of Insurance issued a bulletin recommending that medical professionals inform their MPL insurer if they decide to deliver care outside their scope of practice. Captives and self-insured entities will be permitted to let their members practice outside their normal practice setting without being deemed to be unlicensed insurance providers.
LA	LSA R.S. 29:771(B)(2)(c) provides civil liability immunity to any healthcare providers who causes the death of, or, injury to, any person or damage to any property during a declared public health emergency. Excepts gross negligence or willful misconduct.
MA	Bulletin 2020-08 asks all MPL insurance carriers, surplus lines carriers, and risk retention groups offering MPL coverage in the Commonwealth to review their existing coverage and/or coverage forms to ensure that such coverage provides flexibility where needed and/or to file or add endorsements to their existing policies to ensure that existing coverage will apply to healthcare professionals who are acting within the scope of their professional license when they respond to COVID-19 public health crisis, whether within Massachusetts or in another state. References recent executive order issued by Governor Baker to ensure adequate public access to medical care.
MD	Code, Public Safety § 14-3A-06 provides civil or criminal liability immunity to a healthcare provider who acts in good faith and under a catastrophic health emergency proclamation.
MI	<p>E.O. 2020-30 (COVID-19) clarifies that state law (see below) providing civil liability immunity to healthcare professionals or designated healthcare facilities that provide medical services at the request of a state official applies to the current COVID-19 pandemic.</p> <p>MCL 30.411(4) provides liability immunity to physicians and licensed hospitals who render services during a declared state disaster and at the express or implied request of a state official or agency or county or local coordinator or executive body, regardless of how or under what circumstances or by what cause those injuries are sustained. Exception for acts or omissions that are willful or gross negligence. If an exception is invoked, standard of care required of persons licensed in the state shall apply.</p>
MI	<p>E.O. 2020-30 (COVID-19) clarifies that state law (see below) providing civil liability immunity to healthcare professionals or designated healthcare facilities that provide medical services at the request of a state official applies to the current COVID-19 pandemic.</p> <p>MCL 30.411(4) provides liability immunity to physicians and licensed hospitals who render services during a declared state disaster and at the express or implied request of a state official or agency or county or local coordinator or executive body, regardless of how or under what circumstances or by what cause those injuries are sustained. Exception for acts or omissions that are willful or gross negligence. If an exception is invoked, standard of care required of persons licensed in the state shall apply.</p>

<p>NJ</p>	<p><u>E.O. No. 112</u> provides civil liability immunity to healthcare professionals and facilities for acts or omissions undertaken in good faith in the course of providing healthcare services in support of the state’s COVID-19 response, regardless of whether the care is delivered within the healthcare professional’s scope of practice. Exception for acts or omissions that constitute a crime, actual fraud, actual malice, gross negligence or willful misconduct. Liability immunity applies to healthcare professionals licensed in the state and out-of-state healthcare professionals with a temporary license; Liability immunity applies to traditional healthcare facilities, any modular field treatment facility, and any other site temporarily designated as a healthcare facility by the Department of Health. Provides process whereby retired and foreign medical professionals can obtain temporary license to assist with the COVID-19 pandemic response. Waives scope of practice requirements for advance practice nurses and physician assistants. Order covers any acts or omissions occurring any time during the State of Emergency or Public Health Emergency, whichever is longer.</p>
<p>NY</p>	<p><u>E.O. 202-10</u> provides civil liability immunity to all physicians, physician assistants, specialist assistants, nurse practitioners, licensed registered professional nurses, and licensed practical nurses for any injury or death alleged to have been sustained directly as a result of an act or omission in the course of providing medical services in support of the State’s COVID-19 outbreak response. Excepts injury or death caused by gross negligence.</p> <p>New York’s FY2021 final budget (<u>S7506-C/A9506-C</u>) included the Emergency Disaster Treatment Protection Act (Part GGG) which grants qualified immunity to hospitals, nursing homes, administrators, board members, physicians, nurses, and other providers from civil and criminal liability arising from decisions, acts, and omissions occurring from the start of Gov. Cuomo’s March 7th emergency declaration through its expiration. Covers liability stemming from the care of individuals with and without COVID-19.</p>
<p>TX</p>	<p>Gov. Abbott is expected to issue an executive order waiving civil liability for medical professionals who respond to the COVID-19 pandemic. Awaiting details.</p>
<p>WI</p>	<p><u>3/31/20 Bulletin</u> issued by the Wisconsin Office of the Commissioner of Insurance (OCI) requests that MPL insurers cover licensed healthcare providers who treat patients via telemedicine as if they are treating patients in person for the duration of the COVID-19 Public Health Emergency issued by the Governor’s Executive Order #16. The bulletin also asks MPL insurers to cover out-of-state medical providers treating patients with a temporary license for the duration of the COVID-19 Public Health emergency.</p>

For more information, please contact our Government Relations Department at (301) 947-9000 or governmentrelations@MPLassociation.org.

4/8/2020