

GREATER NEW YORK HOSPITAL ASSOCIATION


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MEMBER LETTER

April
Two
2020

ML-48

TO: Chief Executive Officers (New York State)

FROM: Kenneth E. Raske, President 

RE: GNYHA Secures Immunity for Hospitals and Workers from Liability in Connection with the COVID-19 Emergency

I am very pleased to report that the **Emergency Disaster Treatment Protection Act** is included in the State fiscal year 2021 final budget. GNYHA drafted and aggressively advocated for this legislation. You and your heroic workers have enough to agonize over without having to worry about liability for decisions and actions made under extraordinarily challenging circumstances.

We are deeply grateful to Governor Cuomo and the Legislature for hearing our concerns and working with us so effectively. Once this legislation is enacted into law, we will have collectively eased at least part of your frontline health care workers' massive challenges.

The bill grants qualified immunity to hospitals, nursing homes, administrators, board members, physicians, nurses, and many other providers from civil and criminal liability arising from decisions, acts, and omissions occurring from the beginning of the Governor's emergency declaration on March 7 through its expiration, and covers liability stemming from the care of individuals with and without COVID-19.

The immunity will not apply to intentional criminal misconduct, gross negligence, and other such acts but makes clear that acts, omissions, and decisions resulting from a resource or staffing shortage will be covered. The immunity will apply where the liability arises from harm or damages in connection with providing treatment that was impacted by a facility's or professional's decisions or activities in response to or as a result of the COVID-19 outbreak and in support of the State's directives.

Please direct any questions to [Laura Alfredo](#).

cc: Chief Medical Officers
Chief Nursing Officers
Infection Control
Emergency Preparedness Coordinating Council
Emergency Managers
ED Administrators and Clinical Leads
Legal Affairs
Government Affairs Representatives
Public Affairs Representatives



GNYHA is a dynamic, constantly evolving center for health care advocacy and expertise, but our core mission—helping hospitals deliver the finest patient care in the most cost-effective way—never changes.