

STATE OF NEW YORK

8835

IN SENATE

July 20, 2020

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public health law, in relation to amending provisions regarding health care facilities and professionals during the COVID-19 emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 3081 of the public health law, as
2 added by section 1 of part GGG of chapter 56 of the laws of 2020, is
3 amended to read as follows:

4 5. The term "health care services" means services provided by a health
5 care facility or a health care professional, regardless of the location
6 where those services are provided, that relate to:

7 (a) the diagnosis~~[, prevention]~~ or treatment of COVID-19; or

8 (b) the assessment or care of an individual ~~[with]~~ as it relates to
9 COVID-19, when such individual has a confirmed or suspected case of
10 COVID-19~~[, or~~

11 ~~(c) the care of any other individual who presents at a health care~~
12 ~~facility or to a health care professional during the period of the~~
13 ~~COVID-19 emergency declaration].~~

14 § 2. Subdivision 1 of section 3082 of the public health law, as added
15 by section 1 of part GGG of chapter 56 of the laws of 2020, is amended
16 to read as follows:

17 1. Notwithstanding any law to the contrary, except as provided in
18 subdivision two of this section, any health care facility or health care
19 professional shall have immunity from any liability, civil or criminal,
20 for any harm or damages alleged to have been sustained as a result of an
21 act or omission in the course of ~~[arranging for or]~~ providing health
22 care services, if:

23 (a) the health care facility or health care professional is ~~[arranging~~
24 ~~for or]~~ providing health care services in accordance with applicable
25 law, or where appropriate pursuant to a COVID-19 emergency rule ~~[or~~
26 ~~otherwise in accordance with applicable law];~~

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 (b) the act or omission occurs in the course of [~~arranging for or~~]
2 providing health care services and the treatment of the individual is
3 impacted by the health care facility's or health care professional's
4 decisions or activities in response to or as a result of the COVID-19
5 outbreak and in support of the state's directives; and

6 (c) the health care facility or health care professional is [~~arranging~~
7 ~~for or~~] providing health care services in good faith.

8 § 3. This act shall take effect immediately and shall apply to claims
9 for harm or damages if the act or omission that causes such harm or
10 damage occurred on or after such effective date; provided however this
11 act shall not apply to any act or omission occurring after the expira-
12 tion of the COVID-19 emergency declaration.