

Executive Order Provides Immunity for Pennsylvania Healthcare Workers in Response to COVID-19

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Pennsylvania Governor Tom Wolf recently signed an executive order which provides immunity for healthcare practitioners against liability for good faith actions taken in response to during the COVID-19 pandemic.

This executive order is the latest action among those taken by the Wolf Administration to suspend a significant number of regulations and regulatory statutes, to provide much needed supplementation and support for the healthcare workforce inundated by patients afflicted the coronavirus, including facilitating the deployment of retirees and out-of-state healthcare professionals, expanding scope of practices and relaxing supervision requirements for numerous healthcare licensees, bringing in healthcare professionals who have not previously maintained liability coverage, and calling upon healthcare providers to perform acts they would not perform in the ordinary course of business given the pressing statewide emergency for staffing and care.

A recent press release outlined the policy considerations of the latest order as follows: “As the COVID-19 pandemic has required the Wolf Administration to take broad action to respond to and prepare for Pennsylvanians’ critical health care needs, so too has it required our health care providers to broaden their professional responsibilities and experiences like never before,” Governor Wolf said. “This Executive Order to Enhance Protections for Health Care Professionals serves to protect the individuals serving on the front lines of the disaster response.”

Analysis

This order is an especially significant one for Pennsylvania’s emergency medical providers working on the frontlines of the pandemic, as it grants immunity to any individual who holds a license, certificate, registration or certification to practice as a health care professional in Pennsylvania and who is engaged in providing COVID-19 medical and health treatment or services during the COVID- 19 disaster emergency response. However, the one caveat is that immunity does not extend to acts or omissions that constitute a crime, gross negligence, or fraud, malice, or other willful misconduct.

The order further affirms institutional immunity for any organization or authority allowing real estate or other premises used for emergency services without compensation in the case of death, injury, or loss or damage to the property of any person who is on the premises for the purpose of those emergency services. The attorneys at Lucas and Cavalier are available to answer any questions concerning this latest piece of legislation, and are constantly monitoring other coronavirus-related developments which may have an impact on our clients and colleagues.