STATE OF TENNESSEE

EXECUTIVE ORDER

BY THE GOVERNOR

No. 53

AN ORDER REGARDING LIMITED LIABILITY PROTECTION FOR HEALTH CARE PROVIDERS IN RESPONSE TO COVID-19

WHEREAS, COVID-19 remains a threat to our citizens, our healthcare systems, and our economy, requiring ongoing targeted measures necessary to cope with continuing effects and risks due to the COVID-19 emergency; and

WHEREAS, COVID-19 has strained health care providers and long-term care facilities, requiring additional medical resources and other health care measures to respond to the emergency; and

WHEREAS, in addition to the other powers granted by law, Tennessee Code Annotated, Section 58-2-107, provides that during a state of emergency, the Governor is authorized to, among other things, grant limited liability protection to health care providers responding to the emergency; and

WHEREAS, pursuant to this authority and the general emergency management powers of the Governor under law, the exercise of and temporary suspension of selected state laws and rules and the other measures contained herein are necessary to facilitate the response to the ongoing effects of the emergency resulting from COVID-19.

NOW THEREFORE, I, Bill Lee, Governor of the State of Tennessee, by virtue of the power and authority vested in me by the Tennessee Constitution and other applicable law, do hereby declare a continuing state of emergency and major disaster in order to facilitate the response to COVID-19, and accordingly order the following:

1. Limited COVID-related liability protection for health care providers except in cases of gross negligence or willful misconduct. To facilitate provision of the additional medical resources required to combat COVID-19, in accordance with Tennessee Code Annotated, Section 58-2-107(*l*), health care providers licensed, certified, or authorized under titles 33, 63 or 68, who render services within the limits of their license, certification, or authorization are granted limited liability protection and

accordingly shall not be liable for any illness, injury, death, or damages related to the contraction of, or suspected contraction of, COVID-19 alleged to have been caused by acts or omissions within the limits of the provider's license, certification, registration, or authorization, including but not limited to acts or omissions resulting from lack of resources attributable to or arising out of the provider's response to the COVID-19 pandemic that renders the health care provider unable to provide the level or manner of care or services that would otherwise be required in the absence of the COVID-19 pandemic. This protection does not include any act or omission caused by gross negligence or willful misconduct.

2. Suspension of laws that would limit application of this Order. Any state or local law, order, rule, or regulation that would limit the application of this Order is hereby suspended; provided, that nothing herein shall be interpreted to create a cause of action or to suspend, alter, or affect any other immunity, defense, procedural requirement, or limitation of liability available under current law or contract.

3. Severability. If any provision of this Order or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Order which can be given effect without the invalid provision or application, and to that end the provisions of this Order are declared to be severable.

4. Term and effective date. This Order shall be effective and enforceable as of 12:01 a.m., Central Daylight Time, on July 2, 2020, and shall remain in effect until 11:59 p.m., Central Daylight Time, on July 31, 2020, unless extended.

IN WITNESS WHEREOF, I have subscribed my signature and caused the Great Seal of the State of Tennessee to be affixed this 1st day of July, 2020.

GOVERNOR

ATTEST:

SECRETARY OF STATE