ADMINISTRATIVE ORDER NO. 2020-6 **DATE: APRIL 20, 2020**

SUBJECT: LIABILITY PROTECTIONS FOR PERSONS PROVIDING SERVICES TO THE DISTRICT DURING THE COVID-19 PUBLIC HEALTH EMERGENCY DECLARATION

By the virtue of the authority vested in me by Mayor's Order 2020-046, dated March 11, 2020, Mayor's Order 2020-050, dated March 30, 2020, Mayor's Order 2020-063, dated April 15, 2020, the COVID-19 Response Emergency Amendment Act of 2020, effective March 17, 2020, and the COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020, it is hereby **ORDERED**:

I. PURPOSE

The purpose of this Administrative Order is to set forth certain authorities of the Department of Health necessary to address COVID-19 as determined by the Director of the Department of Health. This Order may be amended for time to time as needed and shall be binding on all persons and entities regulated by the Department of Health.

II. FINDINGS

The Director of the Department of Health, as the lead in the District's efforts in containment and mitigation of COVID-19, may:

(1) Coordinate emergency response activities with local, regional, or federal agencies, the private sector and non-governmental organizations, in furtherance of the District's response to COVID-19;

(2) Register, contract, and appoint licensed, registered, and certified health care providers, either from the District of Columbia or from other jurisdictions, as temporary agents of the District of Columbia with or without compensation provided that they are licensed, registered, or certified and in good standing in their home jurisdictions in their fields of expertise, and meet District's suitability requirements;

(3) Register and appoint lay volunteers to support the efforts of the District's medical response to COVID-19; and,

(4) Provide certain liability protections have been afforded to persons serving as employees or agents of the District of Columbia Government to carry out the COVID-19 response efforts, pursuant to the COVID-19 Supplemental Emergency Amendment Act of 2020.

Mayor's Order 2020-046, dated March 11, 2020, required the Director of the Department of Health to issue Administrative Order No. 2020-1, dated March 13, 2020, as a delegation of the Mayor's statutory authority to issue a public health emergency order, with the approval of the City Administrator, in consultation with the Deputy Mayor for Health and Human Services, and consistent with and authorized by section 5a(d) of the Public Health Protection Amendment Act, D.C. Official Code § 7-2304.01(d), notwithstanding any other laws or rules to the contrary.

Mayor's Order 2020-046, dated March 11, 2020, also allows the Director of the Department of Health to issue additional administrative orders, as a delegation of the Mayor's statutory authority to issue a public health emergency order, during the period of this emergency, and notwithstanding any other laws or rules to the contrary.

Mayor's Order 2020-050, dated March 30, 2020, and Mayor's Order 2020-063, dated April 15, 2020, extended the public health emergency through May 15, 2020.

The COVID-19 Response Supplemental Emergency Amendment Act of 2020, effective April 10, 2020, amends section 5a(d) of the Public Health Protection Amendment Act, D.C. Official Code § 7-2304.01(d), to state a public health emergency executive order may include terms that:

> Exempt any person, employee of the District of Columbia not otherwise exempt under existing law, or contractor providing services arising out of a contract with the District of Columbia from civil liability for damages for actions taken while acting within the scope of their employment or organization's purpose, voluntary service, or scope of work to implement the provisions of the District of Columbia response plan and of An Act To authorize the Commissioners of the District of Columbia to make regulations to prevent and control the spread of communicable and preventable diseases, approved August 11, 1939 (53 Stat. 1408; D.C. Official Code § 7-131 *et seq.),* except in instances of gross negligence, and solely for actions taken during the public health emergency[.]

III. ORDER

Pursuant to the Mayor's delegation to the Director of the Department of Health, any person, employee of the District of Columbia not otherwise exempt under existing law, or contractor providing services, under the direction of the District of Columbia Department of Health and arising out of the COVID-19 response efforts, is exempt from civil liability for damages for

actions taken while acting within the scope of their employment, voluntary service, or scope of work to prevent and control the spread of COVID-19, except in instances of gross negligence, or intentional act or omission, during the period of the declared public health emergency.

LaQuandra S. Nesbitt, MD, MPH
Director
District of Columbia Department of Health