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2019 NY S 8835	**Author:** Sepulveda **Version:** Chaptered **Version Date:** 08/03/2020

LAWS OF NEW YORK, 2020

CHAPTER 134

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

Became a law August 3, 2020, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

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

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

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

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

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

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

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

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

(b) the act or omission occurs in the course of ~~arranging for or~~ providing health care services and the treatment of the individual is impacted by the health care facility's or health care 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; and

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

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

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