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State of Minnesota

HOUSE OF REPRESENTATIVES

A bill for an act

relating to health care; providing criminal, civil, and administrative immunity to

NINETY-FIRST SESSION

H. F. No. 4693

05/17/2020

Authored by Mann and Morrison The bill was read for the first time and referred to the Judiciary Finance and Civil Law Division

| 1.3 1.4 | persons engaged in health care services during the peacetime public health emergency; proposing coding for new law in Minnesota Statutes, chapter 604A. |
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| 1.5 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA: |
| 1.6 | Section 1. [604A.45] CRIMINAL, CIVIL, AND ADMINISTRATIVE IMMUNITY |
| 1.7 | FOR HEALTH CARE SERVICES; COVID-19. |
| 1.8 | Subdivision 1. Definitions. (a) For purposes of this section, the following terms have |
| 1.9 | the meanings given them. |
| 1.10 | (b) "Health care provider organization" means any licensed organization providing health |
| 1.11 | care services including, but not limited to, hospitals, medical clinics, dental clinics, medical |
| 1.12 | laboratories, dispatch services, and ambulance services. |
| 1.13 | (c) "Health care services" means services provided by a responder, regardless of the |
| 1.14 | location of where those services are provided, that relate to: |
| 1.15 | (1) the diagnosis, prevention, or treatment of COVID-19; |
| 1.16 | (2) the assessment or care of an individual with a confirmed or suspected case of |
| 1.17 | COVID-19; or |
| 1.18 | (3) the care, treatment, services, or procedures to maintain, diagnose, or otherwise affect |
| 1.19 | the physical or mental condition of any other individual seeking assistance from a responder |
| 1.20 | during the peacetime public health emergency. |
| 1.21 | (d) "Home care service provider" means any certified home health agency, enrolled |
| 1.22 | personal care assistance provider agency, or licensed home care provider. |

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| 2.1 | (e) "Long-term care facility" means any licensed boarding care home, nursing home, or |
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| 2.2 | adult day center, or any registered housing with services establishment. |
| 2.3 | (f) "Peacetime public health emergency" means any peacetime emergency declared by |
| 2.4 | the governor in an executive order that relates to the infectious disease known as COVID-19. |
| 2.5 | (g) "Responder" means any person or organization whether paid or volunteer that provides |
| 2.6 | health care services or other health-related services including: |
| 2.7 | (1) health care provider organizations and physicians, physician assistants, registered |
| 2.8 | and other nurses, certified nursing assistants, and other staff within a health care provider |
| 2.9 | organization; |
| 2.10 | (2) long-term care facilities and physicians, physician assistants, pharmacists, registered |
| 2.11 | and other nurses, certified nursing assistants, therapists, therapist's assistants, and other |
| 2.12 | licensed or unlicensed direct care staff of a long-term care facility; |
| 2.13 | (3) home care service providers and registered and other nurses, certified home health |
| 2.14 | aids, therapists, therapist's assistants, certified personal care assistants, and other licensed |
| 2.15 | or unlicensed direct care staff of a home care provider; |
| 2.16 | (4) optometrists, pharmacists, chiropractors, dentists, laboratory technicians, morticians, |
| 2.17 | and mental health professionals; and |
| 2.18 | (5) emergency medical technicians, members of a specialized medical response unit, |
| 2.19 | ambulance services personnel, registered first responders, and persons not registered as first |
| 2.20 | responders but affiliated with a medical response unit and dispatched by a public safety |
| 2.21 | answering point or licensed ambulance service. |
| 2.22 | Subd. 2. Immunity. Notwithstanding any law to the contrary, except as provided in |
| 2.23 | subdivision 3, a responder, acting in good faith, is immune from criminal, civil, or |
| 2.24 | administrative liability for any harm or damages resulting from the responder's act or |
| 2.25 | omission in the course of performing duties related to the provision of health care services, |
| 2.26 | including providing, allocating, withdrawing, or delaying health care services, arising out |
| 2.27 | of the state's response to the COVID-19 outbreak during the peacetime public health |
| 2.28 | emergency. |
| 2.29 | Subd. 3. Exception. Subdivision 2 does not apply if the harm or damages were caused |
| 2.30 | by an act or omission constituting intentional or reckless misconduct or gross negligence. |
| 2.31 | For purposes of this subdivision, an act or omission resulting from a resource or staffing |
| 2.32 | shortage does not constitute intentional or reckless misconduct or gross negligence. |

Section 1. 2

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3.1 <u>EFFECTIVE DATE.</u> This section is effective the day following final enactment and applies retroactively to acts or omissions occurring on or after March 13, 2020.

Section 1. 3