***** Act 240 of 2020 This act applies retroactively on or after March 29, 2020 and before July 14, 2020: See 691.1477 *****

PANDEMIC HEALTH CARE IMMUNITY ACT

Act 240 of 2020

AN ACT to provide immunity for health care providers and health care facilities in the event of a pandemic; and to clarify the time frame for the immunity.

History: 2020, Act 240, Imd. Eff. Oct. 22, 2020

The People of the State of Michigan enact:

***** 691.1471 This section applies retroactively on or after March 29, 2020 and before July 14, 2020: See 691.1477 *****

691.1471 Short title.

Sec. 1.

This act shall be known and may be cited as the "pandemic health care immunity act".

History: 2020, Act 240, Imd. Eff. Oct. 22, 2020

***** 691.1473 This section applies retroactively on or after March 29, 2020 and before July 14, 2020: See 691.1477 *****

691.1473 Definitions.

Sec. 3.

As used in this act:

(a) "Gross negligence" means conduct so reckless as to demonstrate a substantial lack of concern for whether an injury results.

(b) "Health care facility" means an entity that is 1 or more of the following:

(i) A health facility or agency as defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106.

(ii) A state-owned surgical center.

(iii) A state-operated outpatient facility.

(iv) A state-operated veterans facility.

(v) A facility used as surge capacity for any of the health care facilities described in this subdivision.

(c) "Health care provider" means an individual that is 1 or more of the following:

(i) An individual licensed under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838.

(ii) An individual permitted to engage in the practice of a health profession under section 16171(c) of the public health code, 1978 PA 368, MCL 333.16171.

(iii) Emergency medical services personnel as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(iv) A student, volunteer, or any other licensed health care professional at a health care facility.

(d) "Health care services" means services provided to an individual by a health care facility or health care provider regardless of the location where those services are provided, including the provision of health care services via telehealth or other remote method.

(e) "Willful misconduct" means conduct or a failure to act that was intended to cause harm.

History: 2020, Act 240, Imd. Eff. Oct. 22, 2020

***** 691.1475 This section applies retroactively on or after March 29, 2020 and before July 14, 2020: See 691.1477 *****

691.1475 Health care provider or health care facility; immunity for health care services in response to COVID-19 pandemic.

Sec. 5.

A health care provider or health care facility that provides health care services in support of this state's response to the COVID-19 pandemic is not liable for an injury, including death, sustained by an individual by reason of those services, regardless of how, under what circumstances, or by what cause those injuries are sustained, unless it is established that the provision of the services constituted willful misconduct, gross negligence, intentional and willful criminal misconduct, or intentional infliction of harm by the health care provider or health care facility.

History: 2020, Act 240, Imd. Eff. Oct. 22, 2020

***** 691.1476 This section applies retroactively on or after March 29, 2020 and before July 14, 2020: See 691.1477 *****

691.1476 Inapplicable to claims under the worker's disability compensation act of 1969.

Sec. 6.

This act does not apply to claims covered by the worker's disability compensation act of 1969, 1969 PA 317, MCL 418.101 to 418.941.

History: 2020, Act 240, Imd. Eff. Oct. 22, 2020

691.1477 Retroactive applicability.

Sec. 7.

The liability protection provided by this act applies retroactively, and applies on or after March 29, 2020 and before July 14, 2020.

History: 2020, Act 240, Imd. Eff. Oct. 22, 2020