

SENATE BILL NO. _____ HOUSE BILL NO. _____

1 A BILL to amend and reenact § 8.01-225.01 of the Code of Virginia, relating to health care provider
2 liability

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That § 8.01-225.01 of the Code of Virginia is amended and reenacted as follows:**

5 § 8.01-225.01. Certain immunity for health care providers during disasters under specific
6 circumstances.

7 A. In the absence of gross negligence or willful misconduct, any health care provider who
8 responds to a man-made or natural disaster by delivering health care to persons injured in such man-
9 made or natural disaster shall be immune from civil liability for any injury or wrongful death arising
10 from abandonment by such health care provider of any person to whom such health care provider owes a
11 duty to provide health care when (i) a state or local emergency has been or is subsequently declared; and
12 (ii) the provider was unable to provide the requisite health care to the person to whom he owed such
13 duty of care as a result of the provider's voluntary or mandatory response to the relevant man-made or
14 natural disaster.

15 B. In the absence of gross negligence or willful misconduct, any hospital or other entity
16 credentialing health care providers to deliver health care in response to a man-made or natural disaster
17 shall be immune from civil liability for any cause of action arising out of such credentialing or granting
18 of practice privileges if (i) a state or local emergency has been or is subsequently declared; and (ii) the
19 hospital has followed procedures for such credentialing and granting of practice privileges that are
20 consistent with the Joint Commission on Accreditation of Healthcare Organizations' standards for
21 granting emergency practice privileges.

22 C. For the purposes of this section:

23 "Health care provider" means those professions defined as such in § 8.01-581.1; ~~and~~

24 "Man-made disaster" means the circumstances described in § 44-146.16; ~~and~~

25 | "Natural disaster" means the circumstances described in § 44-146.16.

26 | D. The immunity provided by this section shall be in addition to, and shall not be in lieu of, any
27 | immunities provided in other state or federal law, including, but not limited to, §§ 8.01-225 and 44-
28 | 146.23.

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