



Executive Order 7U Shields Healthcare Professionals & Facilities from Civil Liability

Updated 4/8/2020 to Include Executive Order 7V

On April 5, 2020, Governor Lamont issued Executive Order 7U providing immunity from suit or civil liability to all healthcare professionals and facilities acting in good faith while providing healthcare services in support of the State's COVID-19 response. This includes situations where death or injury occurs because healthcare professionals and facilities cannot provide the level or manner of care otherwise required due to a lack of resources attributable to the COVID-19 pandemic. Thereafter, on April 7, 2020, Governor Lamont issued Executive Order 7V extending the immunity set forth in Executive Order 7U to cover suit or liability arising out of any other state law and common law claim.

The immunity covers all individual healthcare providers licensed, registered, permitted, or certified in any U.S. state, as well as retired professionals, professionals with inactive licenses, and volunteers approved by the Department of Public Health to offer support. It also covers licensed or state-approved hospitals, clinics, nursing homes, field hospitals, and other facilities designed by DPH for the temporary provision of essential services to support the State's COVID-19 response. The Order does not cover acts or omission that would constitute a crime, fraud, malice, gross negligence, willful misconduct or a false claim.

The immunity provided by this Order is retroactive, covering acts or omissions occurring from the beginning of the public health and civil preparedness emergency on March 10, 2020, and continuing for as long as the declaration remains in place.

It is important to note, that while Executive Order 7U does provide an expansive level of immunity for covered providers, it is likely that potential litigants who suffer damages during the current crisis will test the parameters of the exception or may even challenge the validity of the Executive Order itself. Therefore, it is crucial that to the extent possible, all providers continue to provide services in conformity with the requisite standard of care and maintain the required levels of documentation regarding the care provided to all patients in the event that they do need to defend a future claim.

The full text of Executive Order 7U can be found at the following link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7U.pdf>

The full text of Executive Order 7V can be found at the following link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7V>.

If you have any questions or need assistance with healthcare-related issues, contact Jennifer Groves Fusco at (203) 786-8316 or jfusco@uks.com. For questions concerning potential claims or litigation, please contact Richard Dighello at (860) 548-2633 or rdighello@uks.com.

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