

HOUSE BILL 25

J1, D3

EMERGENCY BILL
(PRE-FILED)

1r1175
CF SB 311

By: **Delegate Cullison**

Requested: October 27, 2020

Introduced and read first time: January 13, 2021

Assigned to: Judiciary and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Catastrophic Health Emergencies – Health Care Providers – Definition and**
3 **Immunity**
4 **(Maryland Health Care Heroes Protection Act)**

5 FOR the purpose of altering the definition of “health care provider” for purposes of certain
6 provisions of law governing catastrophic health emergencies to include an employee,
7 an agent, or a contractor of a health care facility who provides or assists in the
8 provision of health care services; specifying the acts and omissions for which and
9 altering the circumstances under which a health care provider has civil and criminal
10 immunity related to a catastrophic health emergency; requiring that the immunity
11 apply to any act or omission by a health care provider that is directly or indirectly
12 related to a catastrophic health emergency proclamation; establishing that a court’s
13 denial or grant of a health care provider’s motion to apply the immunity is
14 immediately appealable; altering a certain definition; providing for the application
15 of this Act; making this Act an emergency measure; and generally relating to health
16 care providers and catastrophic health emergencies.

17 BY repealing and reenacting, with amendments,
18 Article – Public Safety
19 Section 14–3A–01(e) and 14–3A–06
20 Annotated Code of Maryland
21 (2018 Replacement Volume and 2020 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
23 That the Laws of Maryland read as follows:

24 **Article – Public Safety**

25 14–3A–01.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (e) "Health care provider" means:

2 (1) a health care facility as defined in § 19–114(d)(1) of the Health –
3 General Article;

4 (2) a health care practitioner as defined in § 19–114(e) of the Health –
5 General Article; [and]

6 (3) an individual licensed or certified as an emergency medical services
7 provider under § 13–516 of the Education Article; AND

8 (4) **AN EMPLOYEE, AN AGENT, OR A CONTRACTOR OF A HEALTH CARE**
9 **FACILITY WHO PROVIDES OR ASSISTS IN THE PROVISION OF HEALTH CARE**
10 **SERVICES.**

11 14–3A–06.

12 (A) A health care provider is immune from civil or criminal liability [if the health
13 care provider acts in good faith and under] **FOR ANY ACT OR OMISSION COMMITTED IN**
14 **FURTHERANCE OF PROVIDING OR ASSISTING IN THE PROVISION OF HEALTH CARE**
15 **SERVICES RESULTING FROM a catastrophic health emergency proclamation IF:**

16 (1) **THE HEALTH CARE PROVIDER COMMITTED THE ACT OR OMISSION**
17 **IN GOOD FAITH; AND**

18 (2) **THE ACT OR OMISSION WAS COMMITTED DURING A**
19 **CATASTROPHIC HEALTH EMERGENCY OR WITHIN 180 DAYS AFTER THE**
20 **TERMINATION OF THE CATASTROPHIC HEALTH EMERGENCY.**

21 (B) **SUBSECTION (A) OF THIS SECTION SHALL APPLY TO ANY ACT OR**
22 **OMISSION COMMITTED BY A HEALTH CARE PROVIDER THAT IS DIRECTLY OR**
23 **INDIRECTLY RELATED TO A CATASTROPHIC HEALTH EMERGENCY PROCLAMATION.**

24 (C) **A COURT’S DENIAL OR GRANT OF A HEALTH CARE PROVIDER’S MOTION**
25 **TO APPLY THE IMMUNITY CONFERRED UNDER THIS SECTION SHALL BE**
26 **IMMEDIATELY APPEALABLE.**

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
28 apply retroactively and shall be applied to and interpreted to affect health care provider
29 civil and criminal immunity for any act or omission committed in furtherance of providing
30 or assisting in the provision of health care services resulting from a catastrophic health
31 emergency occurring on or after March 5, 2020.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency
33 measure, is necessary for the immediate preservation of the public health or safety, has

1 been passed by a yea and nay vote supported by three-fifths of all the members elected to
2 each of the two Houses of the General Assembly, and shall take effect from the date it is
3 enacted.