CLIENT ALERTS & INSIGHTS

# Benesch COVID-19 Resource Center: ILLINOIS UPDATE – Gov. Pritzker Extends Protection to Health Care Facilities, Professionals and Volunteers

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On April 1, 2020, Illinois Governor J.B. Pritzker issued an Executive Order 2020-19 (“EO”), granting “health care facilities” and "health care professionals" under the Illinois Emergency Management Agency Act (IEMA) immunity from civil liability for any injury or death that occurs while they provide health care services at a health care facility in response to the COVID-19 outbreak, unless such injury or death was caused by gross negligence or willful misconduct.

**Healthcare Facilities** - Per the Governor’s EO 2020-19, “health care facilities” include: ambulatory surgical treatment center, skilled and intermediate long term care facilities, specialized mental health rehab facilities, hospitals, nursing homes, among others. This definition is expected to also apply to newly erected emergency COVID-19 hospitals in locations such as McCormick Place.

**Healthcare Professionals** - The EO includes all licensed or certified health care or emergency medical services workers providing healthcare services at a Health Care Facility in response to COVID-19 and are authorized to do so. This is a deliberately broad definition and will include various healthcare professionals that have already answered the call to service by previous Illinois COVID-19 Executive Orders. It should be noted this EO does not appear to include immunity for “downstream” healthcare providers assisting with non-COVID-19 response, or the expansion in telemedicine services as a direct result of the COVID-19 response.

Specifically, the EO states that “health care facilities” and “health care professionals” will be immune from civil liability for any injury or death allegedly caused while engaged “in the course of rendering assistance to the State by providing health care services in response to the COVID-19 outbreak, unless it is established that such injury or death was caused by gross negligence or willful misconduct.”

The EO also extended immunity protections to “health care volunteers” meaning all volunteers or medical or nursing students.

**Benesch stands ready to assist with any questions as we closely follow COVID-19 developments and support client’s response efforts.**

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***Please note that this information is current as of the date of this Client Alert, based on the available data. However, because COVID-19's status and updates related to the same are ongoing, we recommend real-time review of guidance distributed by the CDC and local officials.***

