



Liability Protections During the COVID-19 Emergency Public Health Disaster Declaration

[Federal Statute](#)

CARES ACT – Section 3215: Limitation on Liability for Volunteer Health Care Professionals During COVID-19 Emergency Response

- Limits liability for health care volunteers under Federal and State law for “any harm caused by an act or omission of the professional in the provision of health care services during a public health emergency” for the duration of the COVID-19 emergency.
- This applies if:
 - 1) the professional is providing health care services in response to such public health emergency, as a volunteer; and
 - 2) the act or omission occurs—
 - A) in the course of providing health care services;
 - B) in the health care professional’s capacity as a volunteer;
 - C) in the course of providing health care services that—
 - i) **are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and**
 - ii) **do not exceed the scope of license, registration, or certification of a substantially similar health professional in the State in which such act or omission occurs; and**
 - D) in a good faith belief that the individual being treated is in need of health care services.
- This section ensures liability protections for health-care volunteers during the COVID-19 public health emergency by preempting **“the laws of a State or any political subdivision of a State to the extent that such laws are inconsistent with this section, unless such laws provide greater protection from liability.”**
- For additional information on exceptions and definitions, see *Section 3215*.

Volunteer Protection Act. This federal act generally provides that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by the volunteer so long as the volunteer was acting within the scope of the person's responsibilities, was properly licensed, and did not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct. (42 USCA Section 14503).

Note: This information is intended as an educational resource only and does not constitute legal advice. Practices and individuals are encouraged to consult their medical liability carrier and their legal counsel for more detailed information.



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[Iowa Statute](#)

Immunity for Good Samaritans. A person, who in good faith renders emergency care or assistance without compensation, shall not be liable for civil damages for acts or omissions occurring at the place of an emergency or accident or while the person is in transit to or from the emergency or accident or while the person is being moved to or from an emergency shelter unless such acts constitute recklessness. An emergency includes but is not limited to a disaster as defined in section 29C.2 or the period of time immediately following a disaster for which the governor has issued a proclamation of a disaster emergency pursuant to section 29C.6. (Iowa Code § 613.17)

Immunity for Businesses and Others Providing Disaster Aid. "A person, corporation, or other legal entity, or an employee or agent of such person, corporation, or entity, who, during a public health disaster, in good faith and at the request of or under the direction of the department or the department of public defense renders emergency care or assistance to a victim of a public health disaster shall not be liable for civil damages for causing the death of or injury to a person, or for damage to property, unless such acts or omissions constitute recklessness." (Iowa Code § 135.147)

State Immunity for Damages Associated with Quarantine. The state has not waived immunity from suit and liability for "any claim for damages caused by the imposition or establishment of a quarantine by the state, whether such quarantine relates to persons or property." (Iowa Code § 669.14(3)). Hence the state retains immunity against any claim for money damages resulting from issuing or enforcing a quarantine order.

Immunity for Local Government. Local governments (cities, counties, townships) are immune from claims "based upon or arising out of an act or omission in connection with an emergency response including but not limited to acts or omissions in connection with emergency response communication services." (Iowa Code § 670.4(1)(k)).

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