

Liability: Volunteer Health Practitioner

La. R.S. 29:791

When an emergency declaration is in effect, a volunteer health practitioner who provides health services or a person who relies on information provided by a volunteer health practitioner registration system will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with extreme carelessness, intent to cause harm, or breaches a contract.

This section does not apply when the action relates to the operation of a motor vehicle, vessel, aircraft, or other vehicle.

Limitations on civil liability for volunteer health practitioners; vicarious liability

A. Subject to Subsection C of this Section, a volunteer health practitioner who provides health services pursuant to this Chapter shall not be liable for damages for an act or omission of the practitioner in providing those services.

B. No person shall be vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages under Subsection A of this Section.

C. This Section shall not limit the liability of a volunteer health practitioner for any of the following:

- (1) Willful misconduct or wanton, grossly negligent, reckless, or criminal conduct.
- (2) An intentional tort.
- (3) A breach of contract.
- (4) A claim asserted by a host entity or by an entity located in this or another state which employs or uses the services of the practitioner.
- (5) An act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle.

D. No person that, pursuant to this Chapter, operates, uses, or relies upon information provided by a volunteer

health practitioner registration system shall be liable for damages for an act or omission relating to that operation, use, or reliance unless the act or omission is an intentional tort or is willful misconduct or wanton, grossly negligent, reckless, or criminal conduct.

E. In addition to the protections provided in Subsection A of this Section, a volunteer health practitioner who provides health services pursuant to this Chapter is entitled to all the rights, privileges, or immunities provided by other laws of this state.

F. The limitations on liability provided in this Section shall only be effective during the time period set forth in the initial declaration and shall be retroactive to the precipitating event requiring the declaration of disaster or public emergency and for a period of thirty days following the end of the initial declared state of emergency. However, if prior to the expiration of thirty days following the end of the initial declared state of emergency, the governor specifically declares that a public health emergency continues to exist as defined in R.S. 29:762, the limitations on liability shall continue to remain in effect during the time period established by the governor in a declaration issued pursuant to R.S. 29:766.