

Liability: Health Care Practitioner During a Declared Emergency

Cal Gov Code 8659

When an emergency declaration is in effect, a physician, hospital, pharmacist, respiratory care practitioner, nurse, dentist, veterinarian, or veterinarian technician who provides emergency care at the request of a responsible state or local official or agency will not be held legally responsible for acting or failing to act. They can be held legally responsible if acting with intent to cause harm.

Health care providers and veterinary care providers rendering emergency aid immune from liability; Exception

(a) Any physician or surgeon (whether licensed in this state or any other state), hospital, pharmacist, respiratory care practitioner, nurse, or dentist who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any person by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.

(b) Any veterinarian or registered veterinary technician who renders services during any state of war emergency, a state of emergency, or a local emergency at the express or implied request of any responsible state or local official or agency shall have no liability for any injury sustained by any animal by reason of those services, regardless of how or under what circumstances or by what cause those injuries are sustained; provided, however, that the immunity herein granted shall not apply in the event of a willful act or omission.