

## Liability: Health Care Provider During Disaster

### Va. Code Ann. 8.01-225.02

When an emergency declaration is in effect, a health care provider who provides care without their normal resources will not be held legally responsible for injury or death. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

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### Certain liability protection for health care providers during disasters

A. In the absence of gross negligence or willful misconduct, any health care provider who responds to a disaster shall not be liable for any injury or wrongful death of any person arising from the delivery or withholding of health care when (i) a state or local emergency has been or is subsequently declared in response to such disaster, and (ii) the emergency and subsequent conditions caused a lack of resources, attributable to the disaster, rendering the health care provider unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and which resulted in the injury or wrongful death at issue.

B. For purposes of this section:

"Disaster" means any "disaster," "emergency," or "major disaster" as those terms are used and defined in § 44-146.16; and

"Health care provider" has the same definition as provided in § 8.01-581.1.